

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 20 OCTOBER 2022**

**49 BARRY ROAD, CARNOUSTIE**

**REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

**ABSTRACT:**

The Committee is asked to consider an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for change of use from office to a restaurant and hot food takeaway and associated alterations, application No 21/00763/FULL, at 49 Barry Road, Carnoustie.

**1. RECOMMENDATIONS**

It is recommended that the Committee:-

- (i) review the case submitted by the Planning Authority (**Appendix 1**);
- (ii) review the case submitted by the Applicant (**Appendix 2**); and
- (iii) consider the further lodged representations (**Appendix 3**).

**2. ALIGNMENT TO THE ANGUS COUNCIL PLAN**

This report contributes to the following outcomes contained within the Angus Council Plan:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. CURRENT POSITION**

The Development Management Review Committee is required to determine if they have sufficient information to determine the Review without further procedure. If members do not determine the review without further procedure, the Review Committee must determine the manner in which the review is to be conducted. The procedures available in terms of the regulations are: written submissions, hearing sessions or inspection of the land to which the review relates.

**4. FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from the recommendations in the Report.

**5. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment is not required.

**6. CONSULTATION**

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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Appendix 1 – Submission by Planning Authority

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**ANGUS COUNCIL'S SUBMISSION ON GROUNDS OF REFUSAL**

**APPLICATION NUMBER – 21/00763/FULL**

**APPLICANT- MR MOHAMMED SARWAR**

**PROPOSAL & ADDRESS – CHANGE OF USE FROM OFFICE TO A RESTAURANT AND  
HOT FOOD TAKEAWAY AND ASSOCIATED ALTERATIONS AT 49 BARRY ROAD  
CARNOUSTIE**

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## Angus Council

|                                    |  |
|------------------------------------|--|
| <b>Application Number:</b>         | 21/00763/FULL  |
| <b>Description of Development:</b> | Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations |
| <b>Site Address:</b>               | 49 Barry Road Carnoustie DD7 7QQ   |
| <b>Grid Ref:</b>                   | 355104 : 734455  |
| <b>Applicant Name:</b>             | Mr Mohammed Sarwar   |

## Report of Handling

### Proposal

Planning permission is sought for the change of use and alterations to the building to form a restaurant and hot food takeaway at 49 Barry Road, Carnoustie. The building would be reconfigured internally to create a bar and dining area at the front of the premises and the existing ATM is identified as being retained. A kitchen area would be formed at the rear of the building. Externally, the elevations and roof plans show a duct / ventilation system projecting from the flat roof section of the building at the rear, by approximately 1 metre. Signage details are shown on the proposed elevations, but these would be considered under advertisement legislation. Bin and recycling storage is shown on the east side of the building. The application form indicates that the proposal would not require new or altered water supply or drainage arrangements.

49 Barry Road is a detached single storey building which occupies the majority of the site. Available information suggests it was most recently used as a financial services office (Class 2). The property is located in an area which is predominantly residential in nature, with housing located to the immediate east, south and west and on the other side of Barry Road to the north. There is also a retail/convenience store located around 30m to the east. The site incorporates an area of land to the west which appears to currently be in residential use.

The application has not been subject of variation.

### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 29 October 2021 for the following reasons:

- Schedule 3 Development

The nature of the proposal did not require a site notice to be posted.

### Planning History

12/00088/FULL for Change Of Use from Household Goods Shop (Class 1) to Financial Services (Class 2) was determined as "approved subject to conditions" on 12 March 2012.

98/00290/ADV for ERECTION OF ADVERTISING SIGN was determined as "approved" on 24 April 1998.

98/00289/FULL for INSTALLATION OF ATM CASH MACHINE was determined as "approved conditionally" on 8 May 1998.

### Applicant's Case

Supporting statement:

- States that in front of the premises, there is a set back in the pavement, which provides parking for five to six cars;
- The intention is to provide a hot food takeaway with a small restaurant area, capable of catering for up to 26 people. No alterations are proposed externally, other than signage. At present, the applicant intends to retain the ATM facility. The only other external alteration will be to install a flue to provide ventilation;
- It is anticipated that the new facility will require three domestically sized wheelie bins. One for general waste, one for recycling and one for food waste;
- Provides comments on ventilation and that the extraction system is designed so that it does not cause vibration and noise;
- Refers to planning policy and states that a similar application for a hot food takeaway was recently approved at 6-8 Barry Road, Carnoustie (20/00024/FULL);
- Operational Hours - intention is to open from 12 midday until 12 midnight, seven days a week. The delivery of goods to the premises would only take place between 7am - 7pm, Monday to Saturday only.

Details of proposed ventilation have also been submitted.

## **Consultations**

**Environmental Health** - This application introduces a small restaurant/takeaway in a predominately residential area, which could potentially lead to a loss of residential amenity through odour and noise. The site is stand alone, meaning the potential for noise is reduced however the extract system discharges at a relatively low level, which increases the potential for odour issues. The applicant has included some details of the ventilation system which includes an electrostatic precipitator and carbon filters, but more information on the system is required. That information could be secured by planning condition, and conditions are also required to limit noise and the times during which the premises can be serviced. Provided those conditions are attached, environmental health offers no objection to the proposal.

**Community Council** - There was no response from this consultee at the time of report preparation.

**Roads (Traffic)** – offer no objection to the proposal but comment that to maintain the free flow of traffic on the existing public road, car parking for restaurants should be provided at the rate of 1 space per 5sqm. However, given the site constraints, off-street parking cannot be provided within the property boundaries at this site location. Existing parking lay-bys are available nearby on Barry Road, however, demand for on-street parking for residents of Barry Road is high, particularly in the evenings and night-time when the takeaway and restaurant would be open for business. This could result in the displacement of parked vehicles into the surrounding streets which will have a negative impact on the amenity of many nearby residents.

**Scottish Water** - No objections.

## **Representations**

13 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 13 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- Disruption of flow of traffic, impacts on parking and road safety
- Adverse amenity impacts cause by noise, odour and increased littering
- Increase in vermin
- Adequate provision for takeaways already exists
- Residential area unsuitable for takeaway, which should be in town centre
- Queries what will happen to the existing cash machine
- Non compliance with policies in the development plan and Advice Note 2/2018
- Queries land ownership declaration relating to land to west of site

## **Development Plan Policies**

### **Angus Local Development Plan 2016**

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy TC19 : Retail and Town Centre Uses  
Policy PV15 : Drainage Infrastructure  
Policy PV18 : Waste Management in New Development

## **TAYplan Strategic Development Plan**

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

### **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy DS1 states that proposals for sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Policy TC19 deals with retail and town centre uses and indicates that proposals for retail and other town centre uses under 1000sqm gross floorspace on the edge of or outside of defined town centres may be required to submit relevant assessments where it is considered that the proposal may have a significant impact on the vibrancy, vitality and viability of any of the town centres in Angus. The proposed use is located outside of the defined town centre area. Having regard to the scale of the operation, it is unlikely to be a use which would result in a significant impact on the vibrancy, vitality, and viability of the town centre.

Policy DS4 indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the amenity or environment of existing or future occupiers of adjoining or nearby property. [Advice Note 2/2018](#) provides guidance in relation to the assessment of applications for hot food takeaways and restaurants. The advice note recognises that hot food takeaways and restaurants can give rise to residential amenity issues if sited in inappropriate locations and provides policy guidance on locations that may be appropriate as well as locations which are unlikely to be appropriate. It identifies potential issues relating to cooking smells, noise, litter, and traffic/parking.

The advice note indicates that the preferred location for a hot food takeaway or restaurant is within a town centre or in a mixed-use area where there are already a significant number of properties of a similar/related use. It indicates that hot food takeaways will not normally be considered acceptable in predominantly residential areas unless located within a freestanding area within a residential area which will not unduly detract from the amenity of surrounding residential properties.

The proposal relates to a vacant office unit located outside of the town centre. The property is in a location which is predominately residential in character, with residential property and garden ground surrounding the site to the east, south and west and on the other side of Barry Road to the north. There is a convenience store/ post office located approximately 30 metres to the east of the site, but other than the site itself, there are no other non-residential uses close to the site and the existing use of the site is unlikely to be one which impacts on the residential amenity of neighbouring property to any significant degree. The proposed use would occupy a building which covers most of its curtilage and there is no space surrounding the site to provide a buffer between the building and neighbouring housing and garden ground. The area around the site does not contain a significant number of properties in a similar use to a hot food takeaway or restaurant. The area is residential in character and the building is not located in a freestanding area benefiting from space between it and the nearby residential property. While the property is currently in commercial use, that use is unlikely to attract activity late into the evening. The proposal would introduce a night-time economy related use into a predominantly residential area and the



proposal does not comply with the locational guidance for hot food takeaways and restaurants set out in Advice Note 2/2018.

The applicant has indicated that they consider the proposal has locational similarities to the recently approved hot food takeaway at 6 - 8 Barry Road, Carnoustie (app [20/00024/FULL](#) refers). That premises is located around 275m to the east of this site, and is in an area which contains a mix of uses including a hotel and public bar, two convenience stores, a car repair garage and a taxi office (amongst other things). That area already contained a night-time economy related use and as such it is not considered to represent a reasonable comparison to the circumstances which affect consideration of this application.

Environmental health has been consulted on the proposal. They note that while the proposal could potentially lead to a loss of residential amenity through odour and noise, they are satisfied those impacts could be regulated by planning conditions requiring full details of the extraction system, introducing noise limits for ventilation plant, and restricting the hours during which the premises could be serviced by delivery vehicles. In relation to litter, the advice note recognises that the dropping of litter by customers is outwith the control of the proprietor and is controlled by other regulatory regimes. The provision of bins for customer waste could be secured by planning condition.

In terms of access and parking, the site is reasonably accessible on foot to a relatively large residential population and not all customers would access the site via private vehicle. The roads service indicates that while no car parking would be provided within the site, existing car parking lay-bys are available nearby on Barry Road. They do however caution that the demand for on street parking for residents of Barry Road is high, particularly in the evenings and night-time when the takeaway and restaurant would be open for business. Roads has indicated that this could result in the displacement of parked vehicles into the surrounding streets which could have a negative impact on the amenity of nearby residents.

The residential nature of the area is such that this is a location which is likely to be reasonably sensitive to the introduction of a night time economy use. The proposed use is likely to result in increased movement of customers travelling to and from the premises and congregating in its vicinity late in the evening. While it is acknowledged that the site is on a reasonably busy public road and there is a retail premises to the east which would attract visiting customers, the level of activity and noise generated by the road and the retail premises is likely to be reduced late in the evening. It would not be desirable to introduce a use which generates late night activity with associated noise into a predominantly residential area, and the proposal is likely to adversely impact on the residential amenity of those that live close to the site. While consultees are satisfied that technical matters relating to odour and noise generated by plant at the premises can be regulated, there is no effective mitigation for impacts associated with increased movement of customers travelling to and from the premises and congregating in its vicinity late in the evening.

The proposal is contrary to the locational guidance for hot food takeaways and restaurants detailed in Advice Note 2/2018. It would introduce a night-time economy related use into a predominantly residential area and the proposed use is likely to result in increased movement of customers travelling to and from the premises and congregating in its vicinity late in the evening, with the potential to significantly impact on the amenity of those that live close to the site. The proposal would adversely impact on amenity and it is not considered to be of an appropriate scale and nature for this location. As a result, the proposal is contrary to policies DS1 and DS4.

In relation to material considerations, it is relevant to note that representations have been submitted in relation to the proposal. The representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

The roads service has been consulted on the proposal and has offered no objection in relation to road safety issues. Issues relating to amenity and the suitability of the location in respect of council policy and guidance are addressed above and having regard to that policy and guidance it is considered that this is an unsuitable location for the proposed development. Concerns relating to waste management and a potential increase in vermin are noted but it is considered that the proposal could provide suitable waste management arrangements. Concerns relating to the over provision of takeaways are noted but the determining issue is whether the proposal complies with development plan policy and whether there are any material considerations which justify a departure from that policy. Development plan policy seeks to

ensure that this type of development is directed to suitable locations, with priority given to locations in town centres or other suitable mixed-use areas which do not adversely impact on residential amenity. It is understood that the cash machine currently housed in the building would be retained. The concern that the strip of land to the west of the building and within the site is outwith the applicant's ownership was raised with the applicant. The applicant's contention is that they own all of the land within the site. It is an applicant's responsibility to ensure that the land ownership certificate and notifications have been completed correctly. Notwithstanding this, the applicant indicated that there is no intention for the area of land to the west of the building to be changed and has indicated that it would remain as garden ground. An additional drawing (drawing number 4865-PA-04 refers) was submitted to confirm this.

Paragraph 33 of Scottish Planning Policy states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate basis for the determination of this application.

The proposal is contrary to the locational guidance for hot food takeaways and restaurants detailed in Advice Note 2/2018. It would introduce a night-time economy related use into a predominantly residential area and the proposed use is likely to result in increased movement of customers travelling to and from the premises and congregating in its vicinity late in the evening, with the potential to significantly impact on the amenity of those that live close to the site. The proposal would adversely impact on amenity and it is not considered to be of an appropriate scale and nature for this location. As a result, the proposal is contrary to policies DS1 and DS4 of the Angus Local Development Plan (2016). There are no material considerations that justify the approval of planning permission.

## **Human Rights Implications**

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

## **Decision**

The application is refused

## **Reason(s) for Decision:**

1. The proposal does not comply with the locational guidance for the siting of hot food takeaways and restaurants provided in Angus Council Advice Note 2/2018 and would introduce a night-time economy related use into a predominantly residential area resulting in adverse impacts on the residential amenity of those that live close to the site. The proposal is not considered to be of a nature or scale appropriate to its location and would adversely impact on residential amenity is contrary to policies DS1 and DS4 of the Angus Local Development Plan (2016) and the locational guidance contained within Angus Council Advice Note 2/2018.

## **Notes:**

Case Officer: James Wright  
Date: 9 May 2022

## **Appendix 1 - Development Plan Policies**

## Angus Local Development Plan 2016

### Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

### Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

## Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

## Policy TC19 : Retail and Town Centre Uses

Proposals for retail and other town centre uses\* over 1000 m2 gross floorspace (including extensions) on the edge of or outside of defined town centres (including in out of town locations) will be required to submit relevant assessments (including retail/town centre impact and transport assessments) and demonstrate that the proposal:

- o has followed a sequential approach to site selection, giving priority to sites within the defined town centre before edge of centre, commercial centre or out of centre sites which are, or can be made accessible;
- o does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;
- o tackles deficiencies in existing provision, in qualitative or quantitative terms; and
- o is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for retail and other town centre uses<sup>8</sup> under 1000 m2 gross floorspace (including extensions) on the edge of or outside of defined town centres may be required to submit relevant assessments (including retail / town centre impact, transport and sequential assessments) where it is considered that the proposal may have a significant impact on the vibrancy, vitality and viability of any of the town centres in Angus.

\*Town centre uses include commercial leisure, offices, community and cultural facilities.

## Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

\*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

Thursday, 28 October 2021



Local Planner  
Planning Service  
Angus Council  
Forfar  
DD8 1AN

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**49 Barry Road, Carnoustie, DD7 7QQ**  
**Planning Ref: 21/00763/FULL**  
**Our Ref: DSCAS-0051616-7GY**  
**Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations**

**Please quote our reference in all future correspondence**

### Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in CLATTO Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the HATTON PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

### Next Steps:

#### ▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

#### ▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

#### ▶ **Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development



complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Pamela Strachan**

Development Services Analyst

Tel: 0800 389 0379

[planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

## ANGUS COUNCIL

### PLANNING

#### CONSULTATION SHEET

PLANNING APPLICATION NO

21/00763/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

|    |    |    |
|----|----|----|
| 02 | 11 | 21 |
|----|----|----|

**PLEASE DO NOT TAKE AWAY THE LAST SET OF PLANS WHERE POSSIBLE COPIES WILL BE PROVIDED ON REQUEST**

**ELECTRONIC SUBMISSION DRAWINGS TO BE VIEWED VIA IDOX**

# Memorandum

Infrastructure  
Roads & Transportation

TO: DEVELOPMENT STANDARDS MANAGER, PLANNING

FROM: TRAFFIC MANAGER, ROADS

YOUR REF:

OUR REF: CH/AG/ TD1.3

DATE: 25 NOVEMBER 2021

SUBJECT: **PLANNING APPLICATION REF. NO. 21/00763/FULL – PROPOSED CHANGE OF USE FROM N UNUSED OFFICE SPACE TO A RESTAURANT AND TAKEAWAY AT 49 BARRY ROAD, CARNOUSTIE**

---

I refer to the above planning application.

The National Roads Development Guide, adopted by the Council as its road standards, is relative to the consideration of the application and the following comments take due cognisance of that document.

The site is located on the south side of the A930 Dundee to Muirdrum road at 49 Barry Road, which is a former financial advisory centre. The building also has a cash machine which the applicant has indicated will be removed as part of the proposal. The applicant has stated that the cash machine generates 2500 person trips per month, however, there is no indication on the number of trips which are taken by vehicle. It is not known how many of the trips to the cash machine are by passing traffic and how many are specifically generated solely by the presence of the cash machine. It is reasonable to expect some trade-off in vehicle numbers will accrue.

To maintain the free flow of traffic on the existing public road, car parking for restaurants should be provided within the site at the rate of 1 space per 5m<sup>2</sup>. However, given the site constraints, off-street parking cannot be provided within the property boundaries at this site location.

Existing parking lay-bys are available nearby on Barry Road, however, demand for on-street parking for residents of Barry Road is high, particularly in the evenings and night-time when the takeaway and restaurant would be open for business. This could result in the displacement of parked vehicles into the surrounding streets which will have a negative impact on the amenity of many nearby residents.

I have considered the application in terms of the traffic likely to be generated by it, and its impact on the public road network. As a result, I do not object to the application.

I trust the above comments are of assistance but should you have any queries, please contact Adrian Gwynne on extension 2036.

A handwritten signature in black ink, appearing to be 'pp' or similar initials.

**From:**Martin Petrie  
**Sent:**Thu, 25 Nov 2021 14:15:39 +0000  
**To:**James Wright  
**Cc:**Steven D Thomson  
**Subject:**21/00763/FULL 49 Barry Rd  
**Attachments:**odour assessment amended.pdf

Hi James

I can now advise that I have has a chance to peruse the plans and visit the site for this application and my thoughts on this are below.

This application introduces a small restaurant/takeaway in a predominately residential area, which could potentially lead to a loss of residential amenity through odour and noise. The site is stand alone, meaning the potential for noise is reduced however the extract system discharges at a relatively low level, which increases the potential for odour issues. The applicant has included some details of the ventilation system which includes an electrostatic precipitator and carbon filters, however I would ideally be looking for more information on the system and to this end I have attached a condition requiring this prior to development as well as conditions controlling noise. I have attached an information sheet with further detail of what is required.

If you have any further queries please do not hesitate to contact me.

Kind regards

Martin

### Conditions

1. That prior to the commencement of development a scheme for the ventilation and abatement of cooking odours, shall be submitted for the written approval of the Planning Authority. No development shall commence until the details have been approved in writing by the planning authority and once approved the development shall be undertaken in accordance with the approved details. For the avoidance of doubt the aforementioned scheme shall include:-

- Full details of the proposed odour abatement system including grease filters, pre-filters and carbon filters or any other odour abatement method as considered necessary;

- Detailed drawings showing all ductwork and the discharge position of the exhaust in relation to adjacent properties;

- A detailed maintenance and cleaning schedule for the kitchen extraction equipment

2. Noise from any ventilation plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 35 between 0700 and 2200 and NR curve 25 at all other times.

3. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Martin Petrie, Environmental Health Officer (EP Unit), **Angus Council, Place-RPS**, Angus House, Orchardbank Business Park, Orchard Loan, FORFAR DD8 1AN Telephone 01307 491853

## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Mr Jason King

Address: 53 Barry road Carnoustie Dd77qq

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This would disrupt flow of traffic, residents park in the pull ins just outside here on the night time as they don't have driveways. This would increase people parking on the road causing danger to public and other road users. The shops open during the day when people are working so get space once shops closed. This would mean you wouldn't get parked at all with increased foot fall with people collecting takeaways and delivery drivers. Constant smell of food pumped out into the fresh air with people hanging out washing. Increase in rubbish dumped on the street, in which will attract mice/ rats and seagulls. There is more than enough takeaways within a 2 mile radius of this. Can we not support the ones we have already. Strongly object to this!

**Comments for Planning Application 21/00763/FULL****Application Summary**

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

**Customer Details**

Name: Mr Douglas Balbirnie

Address: 47, Barry Road Carnoustie DD7 7QQ

**Comment Details**

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the plan for several reasons, excess traffic, less parking for residents, the smell from the kitchen, rubbish in garden from previous experience, attraction for vermin, noise from customers this is a residential area, would be better placed in town, deliveries at regular times often blocking an already very busy road. I personally think it is not a suitable place for restaurant.



## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Miss Johanna HORSBURGH

Address: 14 West Smieton Street Carnoustie DD7 7LS

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object because its too close to houses and would create, noise, odour, litter and extra traffic.

Plus, what would happen to the cash machine?

## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Mr James Clark

Address: Glester Cottage Carmyllie Arbroath DD11 2QY

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the basis of traffic congestion. I visit relatives in the vicinity of this premises and the amount of parked cars, through traffic and the junction with Pitskelly Road which leads to housing, Shanwell Cemetery, The Early Learning Centre and the football along with the junction with Victoria Street to the west which has considerable turning traffic does cause congestion - add in bus stops and traffic from the Health Centre the lack of designated parking in the application will only increase the current traffic problems

# **Comments for Planning Application 21/00763/FULL**

## **Application Summary**

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

## **Customer Details**

Name: Mr Ronnie Dent

Address: 45 Barry Road Carnoustie Angus DD7 7QQ

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this application on the following grounds.

1. Increased traffic congestion and parking issues.
2. Littering and food spillages attracting vermin.
3. Fumes, cooking smells in residential area.
4. Detrimental to this residential area.
5. There are plenty restaurants/takeaway outlets in Carnoustie.

This is a residential area, with many surrounding houses occupied by elderly residents. Parking is already limited and with the noise created by customers of proposed plan, this would definitely lead to greater congestion and disruption to nearby households.

## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Mr Wayne Scott

Address: 18 West Smieton Street Carnoustie Angus DD7 7LS

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object, my son has Autism, doesn't like loud noises..he also doesn't like strong smells. I am also worrying when the building is going to get all the building work done.. especially if it is going to be a 26 seater restaurant??

## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Mrs Jean Gordon

Address: 55 Barry Road Carnoustie DD7 7QQ

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am strongly against this as there is little enough parking spaces at the moment and we cannot even park in Barry Road as residents. The pollution and smell is another problem as is the level of traffic this would incur. Also noise and litter this would create. This should not be allowed in a residential area. There are plenty of restaurants and takeaways already in Carnoustie.

**From:** scott victoria [REDACTED]  
**Sent:** 08 November 2021 16:32  
**To:** PLANNING  
**Subject:** Planning Application 21/0763/FULL

**PLANNING APPLICATION 21/0763/FULL**

**ADDRESS 49 BARRY ROAD CARNOUSTIE**

**CUSTOMER MR STEVEN C SCOTT and MRS VICTORIA P SCOTT**

**ADJOINING OWNER 51 BARRY ROAD CARNOUSTIE DD7 7QQ**

**CUSTOMER OBJECTS TO THE PLANNING APPLICATION**

In the applicants Supporting Statement Note it is stated in the paragraph Planning Policy that Policy DC1 appears to be supportive of this development. However, Angus Councils Planning Note 2/2018 states that the preferred location for hot food takeaways is a town centre first approach but out with retail areas or in mixed use areas where there is a number of properties in non-residential use or a number of similar properties of similar or related use. In this case the application in our opinion fails as it does not satisfy the guidance of the Planning Note. Furthermore, it should be noted that the same Advice Note states that 'hot food takeaways will also not normally be considered acceptable in a predominantly residential area unless located within a freestanding area which will not duly detract from the amenity of surrounding residential properties. Again, the application in our opinion fails as the property under consideration is 2.5m from our property at 51 Barry Road and would affect the amenity of our property and our use of it. The wider area surrounding the premises is a wide residential area other than a Spar convenience store.

**Parking**

The applicant notes that the parking layby in front of the shop can accommodate for 5/6 cars and similarly 6 cars on the north side of Barry Road. These bays are used at night and weekends by residents for parking due to the lack of drive space which ensures that Barry Road has unfettered route for buses and emergency vehicles. There is currently one designated disabled space on the north side opposite the premises and we understand another in progress which reduces the number of bays for public use. Referring again to Planning Note 2/2018, it states that 'the lack of available customer parking may constitute grounds for refusal of planning permission if it impinges on residential amenity enjoyed in nearby residential streets'. We would argue it would impinge on the local area amenity. This also has the potential for overspill parking into surrounding streets and affecting the residential amenity on Barry Road and surrounding area. There is also a bus stop on the north side of Barry Road for Arbroath bound

buses diagonally opposite the proposed development. With traffic stopping to collect orders or attempting to park this will add to congestion. To the west of the proposed development is a road junction with Pitskelly Road and is used regularly by funeral corteges as well as access to the Early Learning & Childcare Centre, Panmure Football ground and housing estate with the potential of further congestion. We access our drive and garage from Barry Road as does our neighbour at 53 and indiscriminate parking will affect our ability to exit safely.

## **Noise**

The front of the shop is protected by a metal roller shutter which can and does when in use create considerable noise. This will be particularly noticeable in a residential area when closing at night and opening early for deliveries. Added to the constant flow of both vehicle and pedestrian traffic will impinge on the amenity of a residential area and at no more than 5m from our bedroom window! As the applicant does not own the properties on either side of the premises or to the south a noise impact assessment should be a requirement of this application. There is also the problem of noise throughout the evening and from customers waiting to collect takeaways along with music noise which will affect our rights to enjoy the peaceful use of our property.

## **Odours and Ventilation**

The proposed ventilation system vents in the centre of the roof of the premises at circa 8m from one of our rear upper bedroom windows and over our rear garden area. Again, this will affect our enjoyment of our garden space and our house. Irrespective of any scrubber system, smell will still permeate through the atmosphere and cause us to reduce the use of our garden and therefore our amenity.

## **Drawings**

Drawings 4865-PA-04 shows the applicant claiming to own a 2.5m strip to the west of the property which is in fact false and we would refer you to paragraph 7 regarding land ownership. The same drawing shows on the west elevation a vent which would imply a fan directing some form of fumes onto our rear garden area with no indication what it is venting. The same drawings show on the east side a fire exit with refuse disposal area stored within it, therefore blocking the free egress in the event of a fire. Drawing 4865-PA-07 shows an illuminated sign which we assume will be on all evening within 3-5m of our ground floor bedroom window. Drawings 4865-PA-08 show an increase in the number of toilet facilities from one to four, three additional wash hand basins plus a double sink in the food preparation area which could overload the drainage system and cause unpleasant odours in the local area. There is no provision for an outdoor smoking area which will encourage any clients to use the public footpath for that purpose with subsequent litter problems including our front garden area.

## Other

In the applicants Supporting Statement it mentions a public bin outside the premises which is no longer there. This will cause increased pollution with discarded rubbish from the takeaway aspect of the business. We also understand that the Main Post Office on the High Street is due to close, or its service may be reduced as from January 2022. If this does happen there will be an increase in the traffic at the Spar Post Office nearby, particularly if it becomes a parcel collection point which is likely. The applicant refers to Application 20/0024/FULL in support of his application; we believe that the granting of one application cannot be used to support the granting of a quite different application. The applicant has applied for opening hours of 12 noon until 12 midnight but with deliveries from 7am, which therefore indicates a total working day of some 17/18 hours including allowing one hour to close-down after midnight. With constant noise of delivery and collection vehicles this will affect the amenity of a predominantly residential area. There is also the potential problem of vermin and fire hazard with a premise of this type lying between two residential properties, No. 51 and No. 47. Carnoustie currently has 18 takeaway establishments or access to fast food in addition to 15 Hotels, Pubs, Cafes and Golf Clubs who dispense food which we believe is an overprovision in this size of town. Takeaways do not enhance a residential area.

## Ownership

The applicant states in his Application Notes that he is in ownership of a 2.5m gravelled access to the west of his property. We would dispute this and attest that the ownership lies within our title deeds with a Burden on our part which states 'Burden 2 - A right of access and egress in favour of the proprietor from time to time of the subjects immediately adjoining to the east, over the passage seven feet two inches wide on the east side of the subjects disposed'. This in our view is only for maintenance of 49 Barry Road's west elevation and not for construction work nor can he attest to ownership which he has signed as such in the Certificate and Notice section of the application. A full copy of our deeds can be made available if required.

As our objection exceeded the character count, we were advised to submit directly to this email address. We would appreciate acknowledgement of receipt of our objection and ask that it be made visible on the planning website for others to read.

Regards

Steven & Victoria Scott



## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Mrs Patricia Smith

Address: Links Cottage 6 Charles Street Carnoustie DD7 7HJ

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The reason for my objection is firstly parking. The laybys on both sides of the road are used by residents therefore parking will be at a premium. This in turn could lead to congestion on the main thoroughfare as the proposed business is close to a bus stop and the junction with Pitskelly Road which leads to housing, Cemetery and Nursery. I understand that the Post Office on High Street is closing therefore Barry Road P.O. will be the only remaining one which will add to the parking issues.

Secondly as it is a residential area the surrounding properties would be plagued with the smell of cooking as well as noise and anti-social hours. I think Carnoustie has got ample take-away facilities. There are more pressing needs.

## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: C G

Address: Barry Road Carnoustie Dd77qr

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a very stupid idea to bring to the area, we have plenty of takeaways within the town, including a new one, literally a stone throw away!!!

This proposed idea, would bring excessive traffic, excessive noise and excessive mess that would result in discarded rubbish, ending up in the gardens of the residents, along with vermin!

The worry also is that, it would attract groups of people congregating in the area, which at times they do so, by the bench, but this may increase, which can cause fear and alarm to the older residents of the street.

I will say it again, this is a very stupid idea, completely unnecessary!!

## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Mrs Michelle Grant

Address: 44 Barry road Carnoustie DD77QR

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We already have parking issues. Not enough spaces already. I have disabled bay and people park in it already leaving me nowhere to park. I also feel this would increase footfall leading to be noisy until midnight which affect sleep also as will be very noisy as there will be people hanging about outside said take-away. They will get deliveries and if early morning will be woken up leading to not enough sleep

## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Mrs Teacy Monteith

Address: 24 west smieton street Carnoustie DD77LS

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Myself and my husband object to the above property to be changed into a restaurant/takeaway

## Comments for Planning Application 21/00763/FULL

### Application Summary

Application Number: 21/00763/FULL

Address: 49 Barry Road Carnoustie DD7 7QQ

Proposal: Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations

Case Officer: James Wright

### Customer Details

Name: Mrs Carol Urquhart

Address: 61 Dawson Road West Ferry Dundee DD5 1PX

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

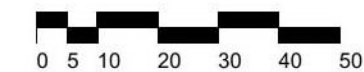
Comment Reasons:

Comment: We object to this application on the basis of traffic congestion. We visit friends and family in this street and there are a number of parked cars along both sides of the road which currently make it difficult to park close to their home for us and them as a family. Should the application be approved, we can only imagine this will exacerbate the problem.

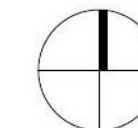
Given the amount of takeaway/hot food premises currently available along the nearby High Street of Carnoustie, we do not believe this is an essential business necessity for such a residential area. Therefore, we strongly object to this application due to the increased traffic, anticipated noise levels, extended business hours and the obvious lack of requirement of such an establishment in a residential area.

## Notes:

All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



Scale in metres at 1:1250



**Site Boundary**

Site Area: 237m<sup>2</sup>

Refused

Refused

Rev

**Planning**

PROJECT TITLE:

**Hot Food Takeaway**

CLIENT:

**Mr S Sarwar**

LOCATION:

**Carnoustie**

DWG TITLE:

**Location Plan**

SCALE: 1:1250 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

**4865-PA-01**

LJRH Chartered Architects  
18 South Tay Street, Dundee, DD1 1PD

T: 01382 200511    E: admin@ljrhc.co.uk  
W: www.ljrhc.co.uk    F: facebook.com/ljrhcarchitects

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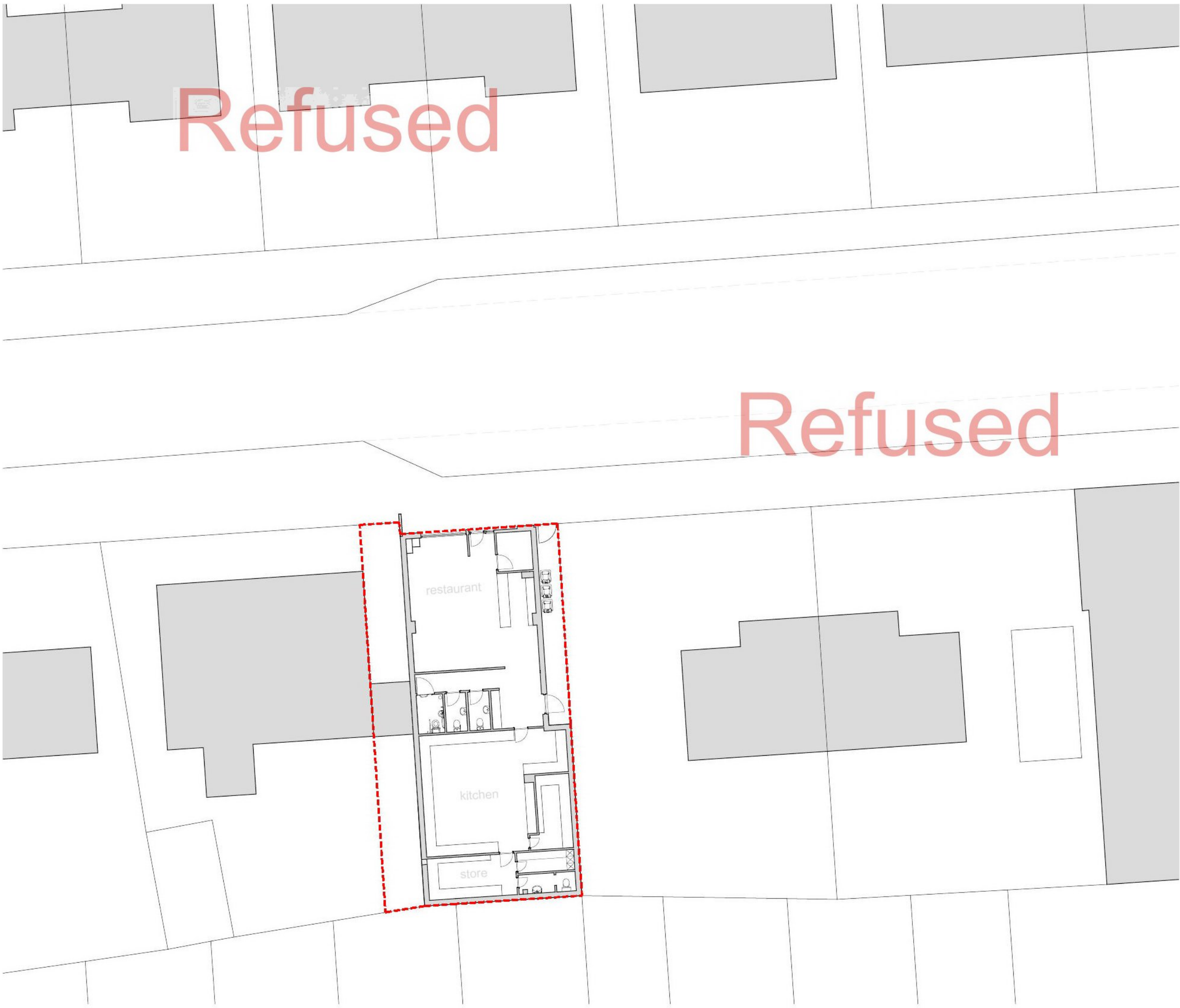
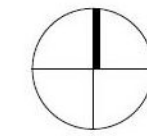
Refused

Refused

Notes: **AC19**  
All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



Scale in metres at 1:200



Rev  
**Planning**

PROJECT TITLE:  
**Hot Food Takeaway**  
CLIENT:  
**Mr S Sarwar**  
LOCATION:  
**Carnoustie**  
DWG TITLE:  
**Proposed Site Plan**

SCALE: 1:200 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

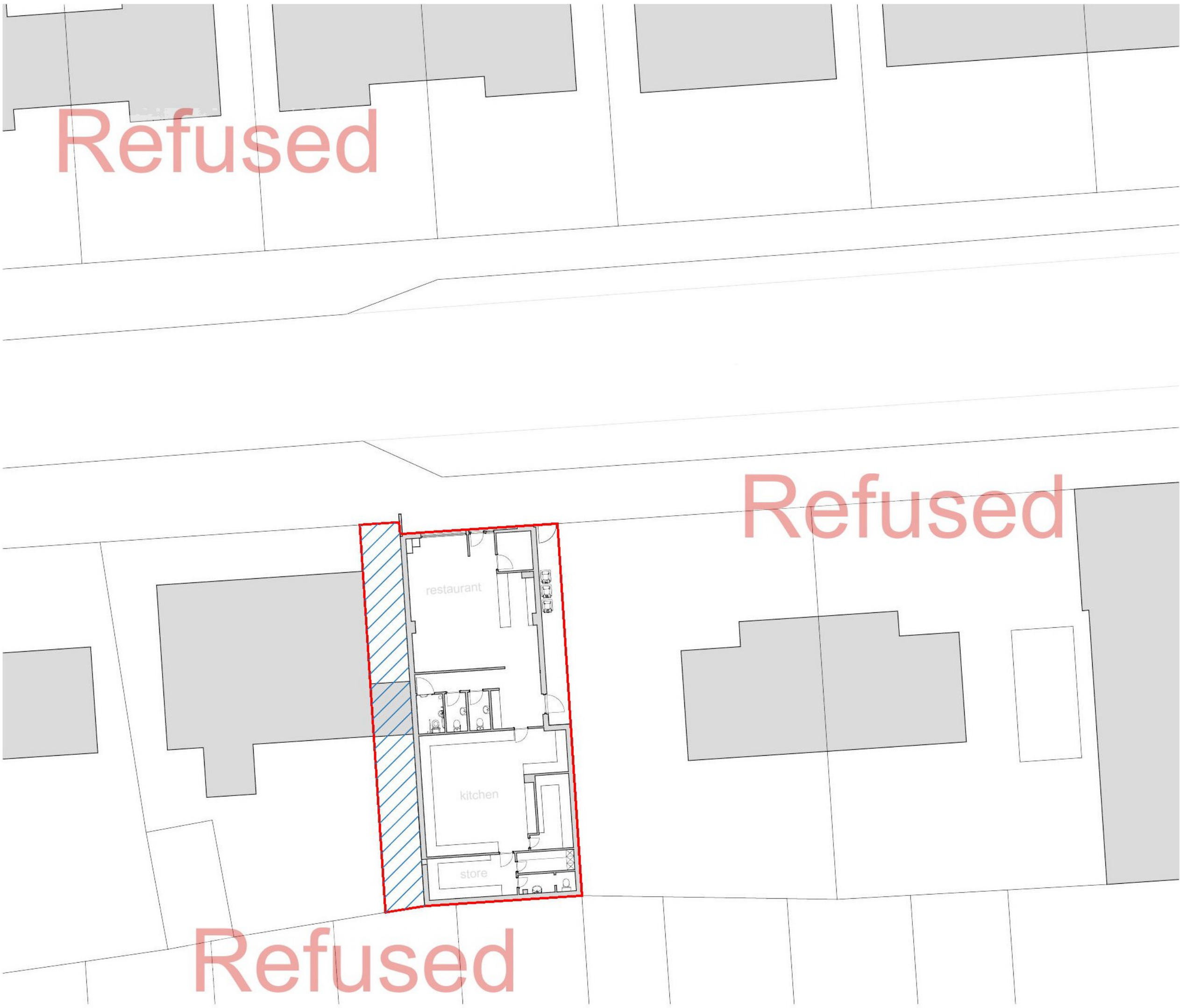
**4865-PA-04**

LJRH Chartered Architects  
18 South Tay Street, Dundee, DD1 1PD

T: 01382 200511    E: admin@ljrh.co.uk  
W: www.ljrh.co.uk    F: facebook.com/ljrharchitects

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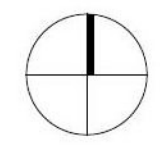




Notes: **AC19**  
 All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



Scale in metres at 1:200



 Area in ownership of applicant to remain as garden ground

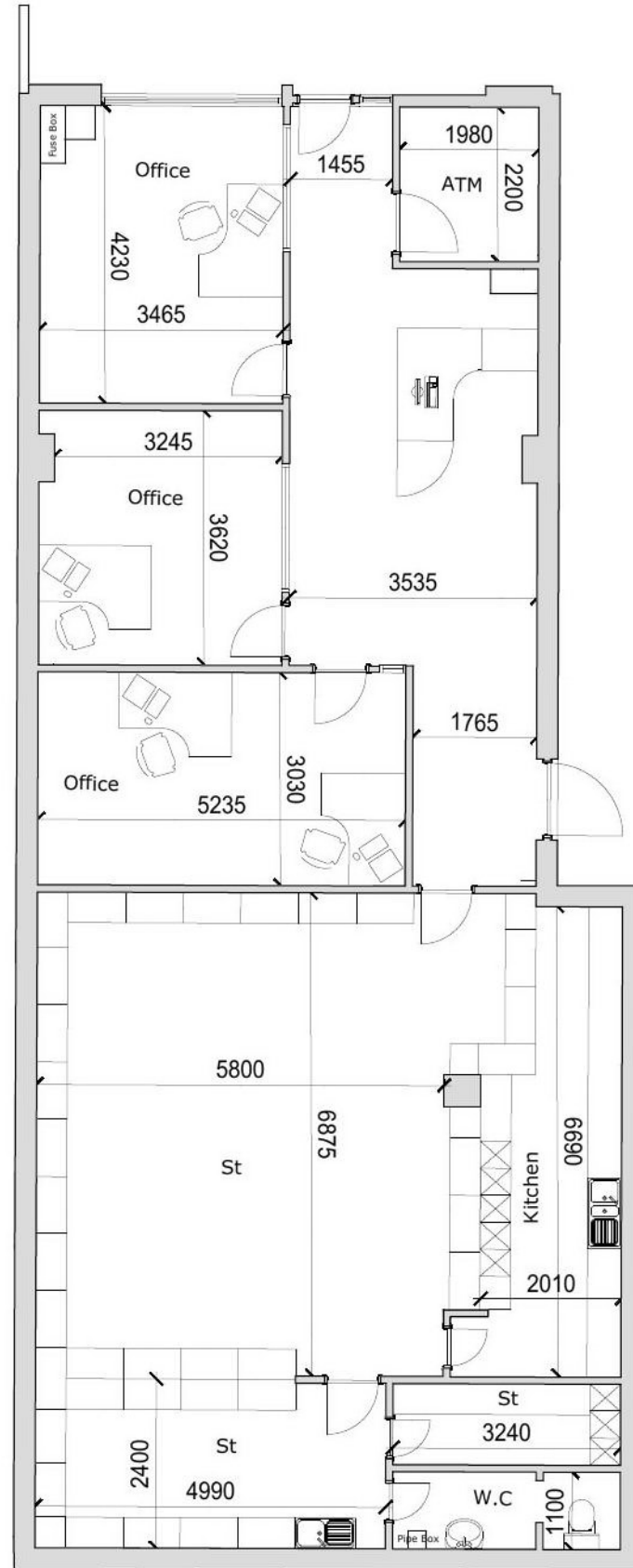
Rev  
**Planning**  
 PROJECT TITLE:  
**Hot Food Takeaway**  
 CLIENT:  
**Mr S Sarwar**  
 LOCATION:  
**Carnoustie**  
 DWG TITLE:  
**Proposed Site Plan**  
 SCALE: 1:200 @ A3    DATE: May '22    DRAWN BY: CT

DRAWING NO:  
**4865-PA-04**  
 LJRH Chartered Architects  
 18 South Tay Street, Dundee, DD1 1PD  
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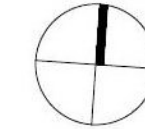




# Refused



Notes: **AC19**  
All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



Rev  
**Planning**

---

PROJECT TITLE:  
**Hot Food Takeaway**

CLIENT:  
**Mr S Sarwar**

LOCATION:  
**Carnoustie**

DWG TITLE:  
**Existing Floor Plan**

---

SCALE: 1:100 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

**4865-PA-02**  
LJRH Chartered Architects  
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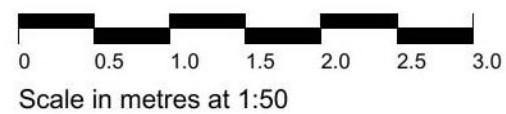
# Refused

# Refused

# AC19

Notes:

All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



# Refused

Rev

**Planning**

PROJECT TITLE:

**Hot Food Takeaway**

CLIENT:

**Mr S Sarwar**

LOCATION:

**Carnoustie**

DWG TITLE:

**Existing Elevation**

SCALE: 1:50 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

## 4865-PA-03

LJRH Chartered Architects

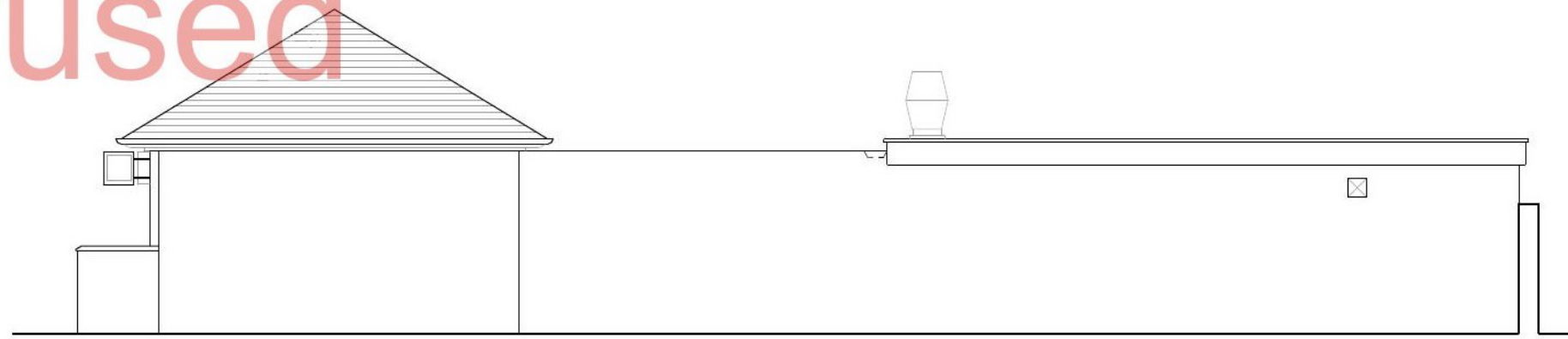
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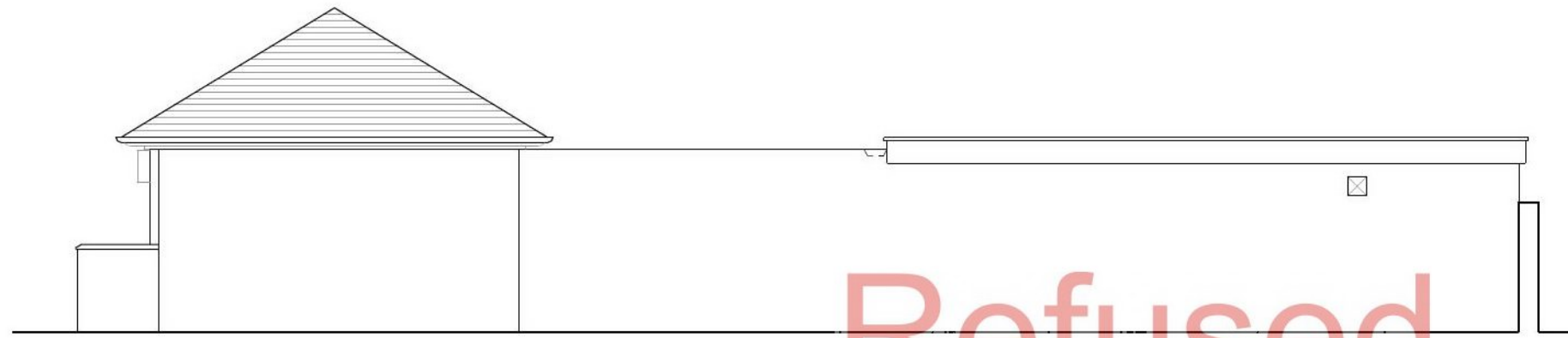
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# Refused

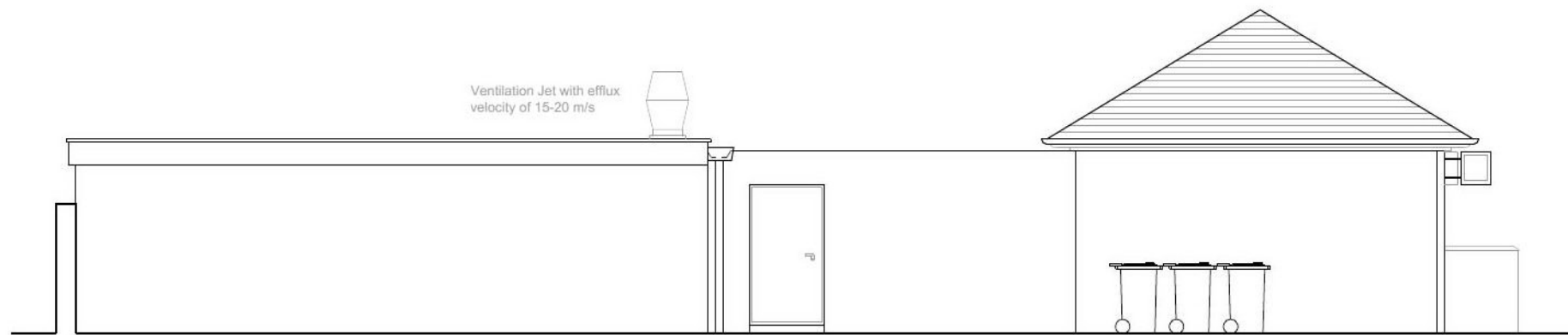


Proposed West Elevation

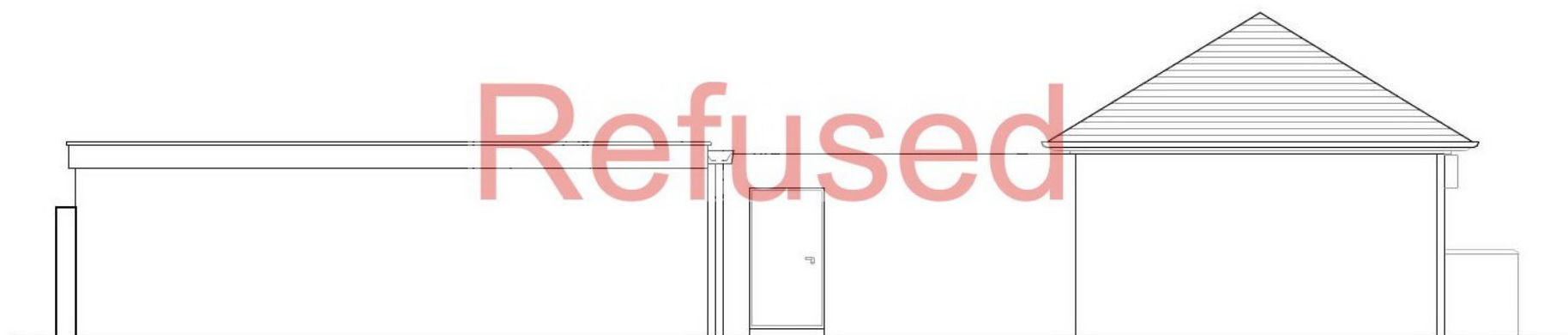


Existing West Elevation

# Refused



Proposed East Elevation



Existing East Elevation

## AC19

Notes:

All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



Scale in metres at 1:100

Rev

**Planning**

PROJECT TITLE:

**Hot Food Takeaway**

CLIENT:

**Mr S Sarwar**

LOCATION:

**Carnoustie**

DWG TITLE:

**Elevations**

SCALE: 1:100 @ A3    DATE: October '21    DRAWN BY: CT

DRAWING NO:

### 4865-PA-08

LJRH Chartered Architects

18 South Tay Street, Dundee, DD1 1PD

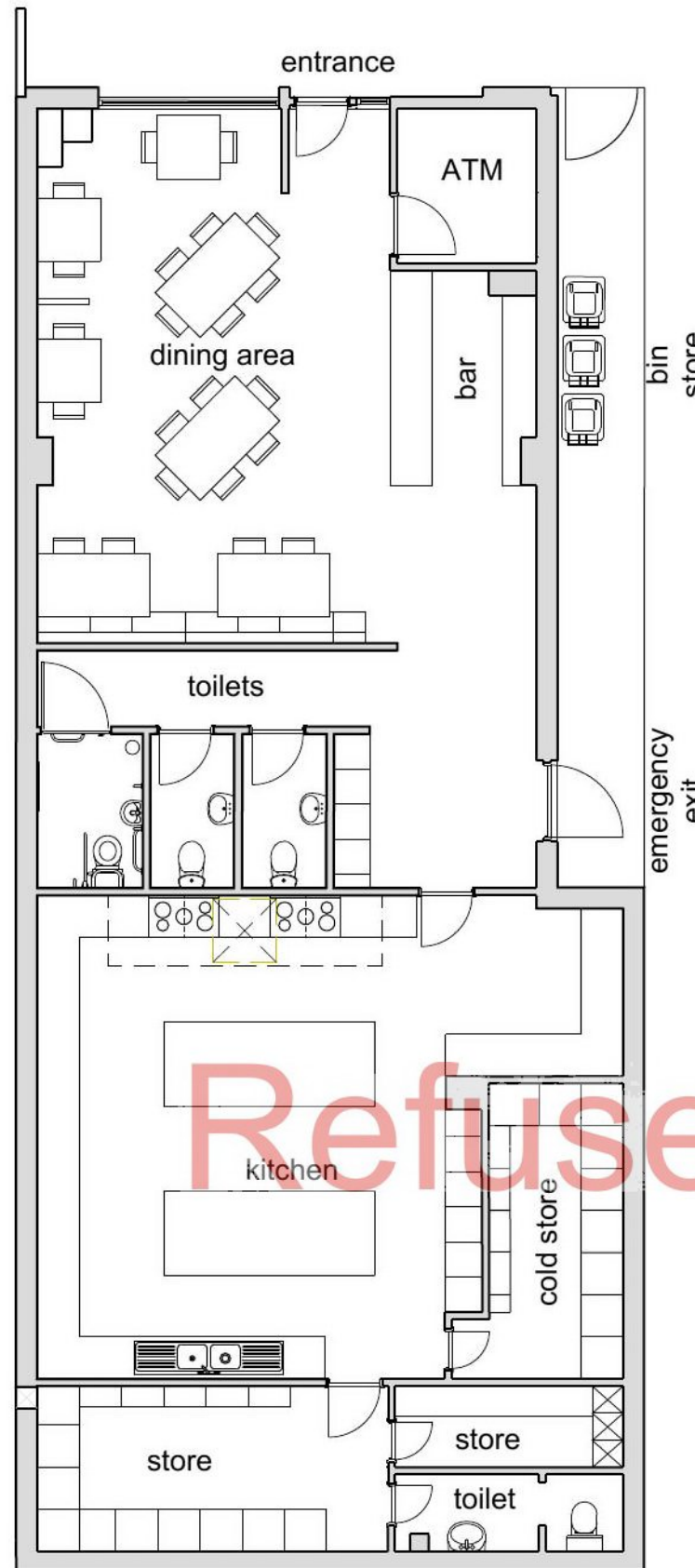
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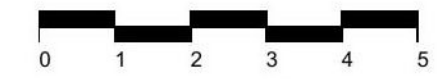
Refused



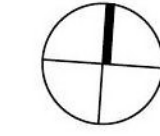
Refused

Refused

Notes: **AC19**  
 All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



Scale in metres at 1:100



A - Revised Kitchen Ventilation

Rev

**Planning**

PROJECT TITLE:  
 Hot Food Takeaway

CLIENT:  
 Mr S Sarwar

LOCATION:  
 Carnoustie

DWG TITLE:  
 Proposed Floor Plan

SCALE: 1:100 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

**4865-PA-05A**

LJRH Chartered Architects  
 18 South Tay Street, Dundee, DD1 1PD

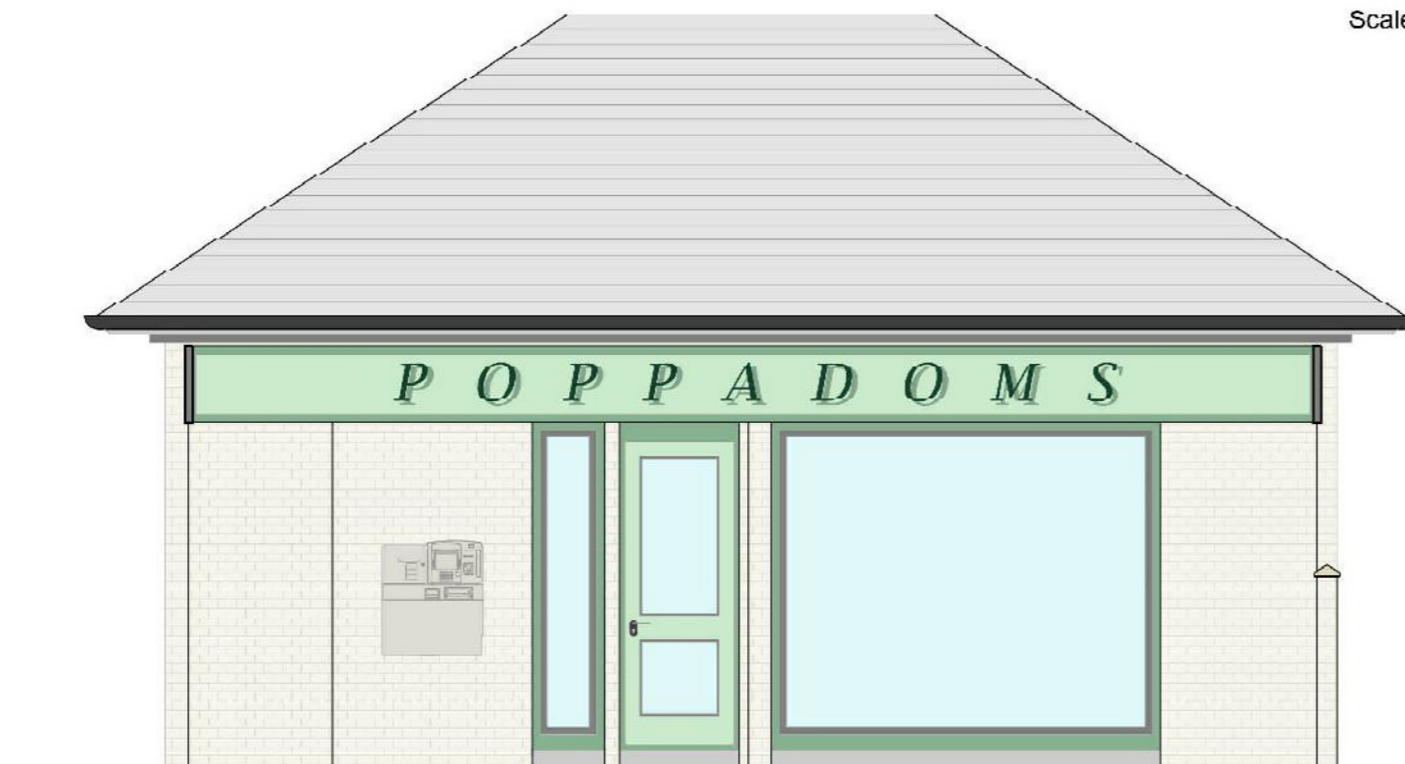
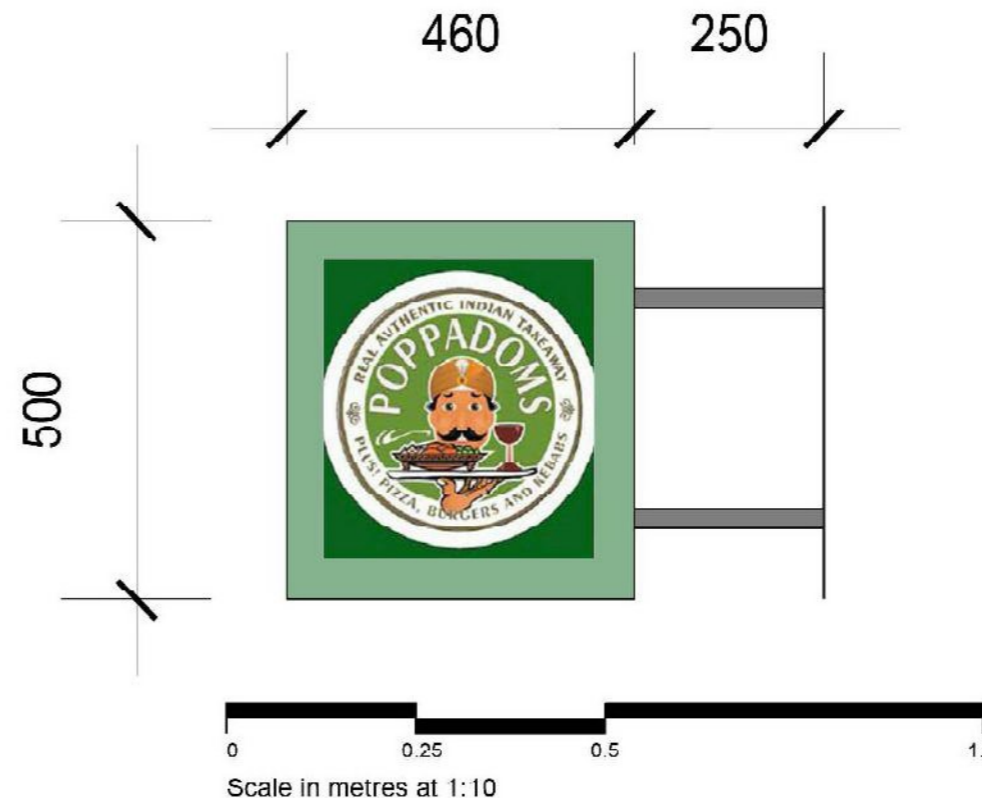
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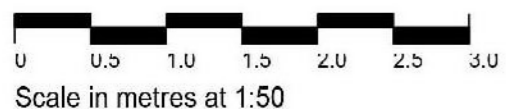
Notes:  
All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.

Refused



North (Front) Elevation

Refused



A - Revised Signage

Rev

Planning

PROJECT TITLE:  
Hot Food Takeaway

CLIENT:  
Mr S Sarwar

LOCATION:  
Carnoustie

DWG TITLE:  
Proposed Elevation

SCALE: 1:50/1:10 @ A3 DATE: August '21 DRAWN BY: CJ

DRAWING NO:

**4865-PA-07A**

LJRH Chartered Architects

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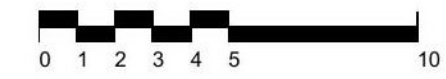
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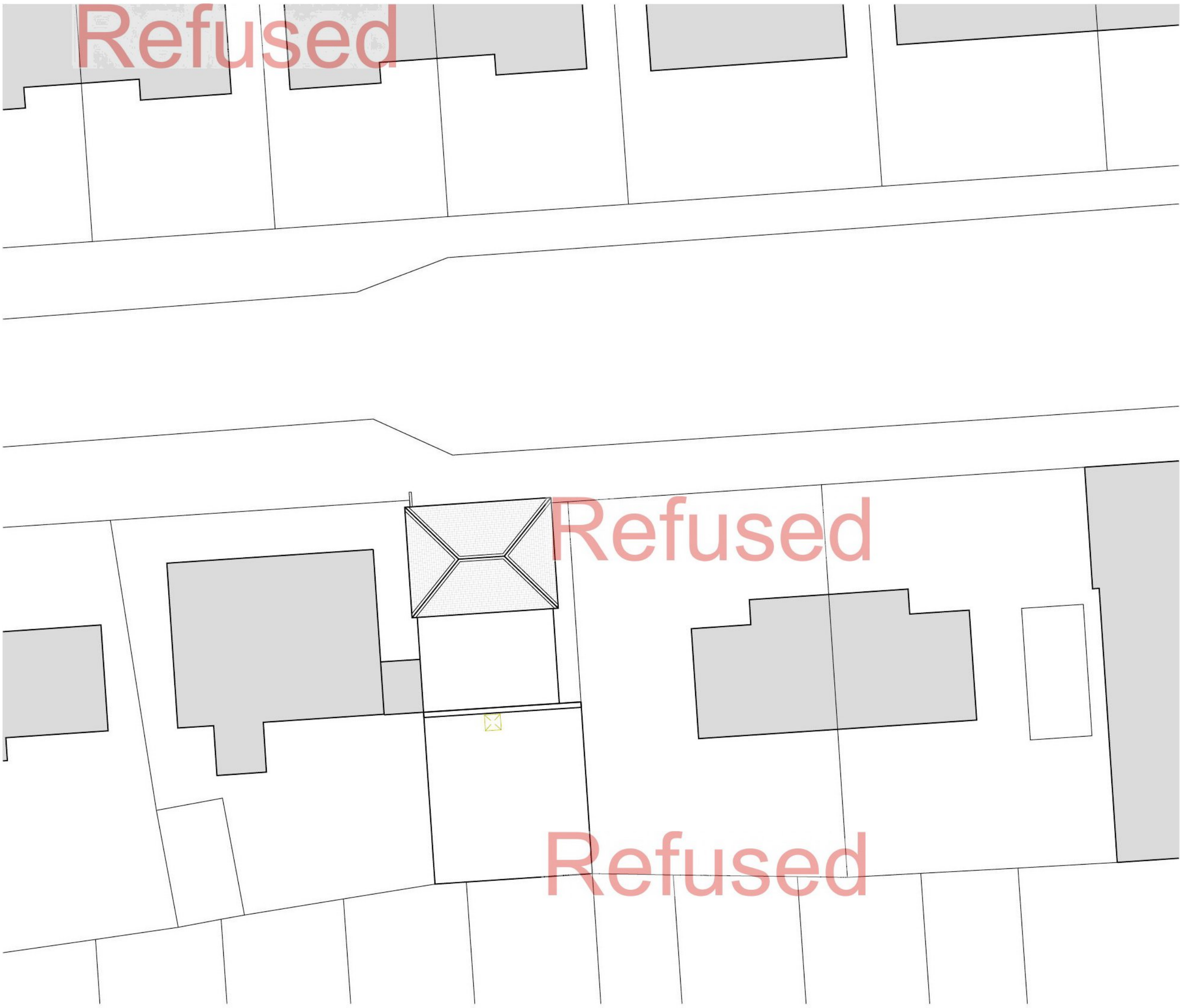
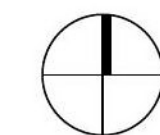


Refused

Notes: **AC19**  
All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



Scale in metres at 1:200



Refused

Refused

A - Revised Kitchen Ventilation

Rev

**Planning**

PROJECT TITLE:  
Hot Food Takeaway

CLIENT:  
Mr S Sarwar

LOCATION:  
Carnoustie

DWG TITLE:  
Proposed Roof Plan

SCALE: 1:200 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

**4865-PA-06A**

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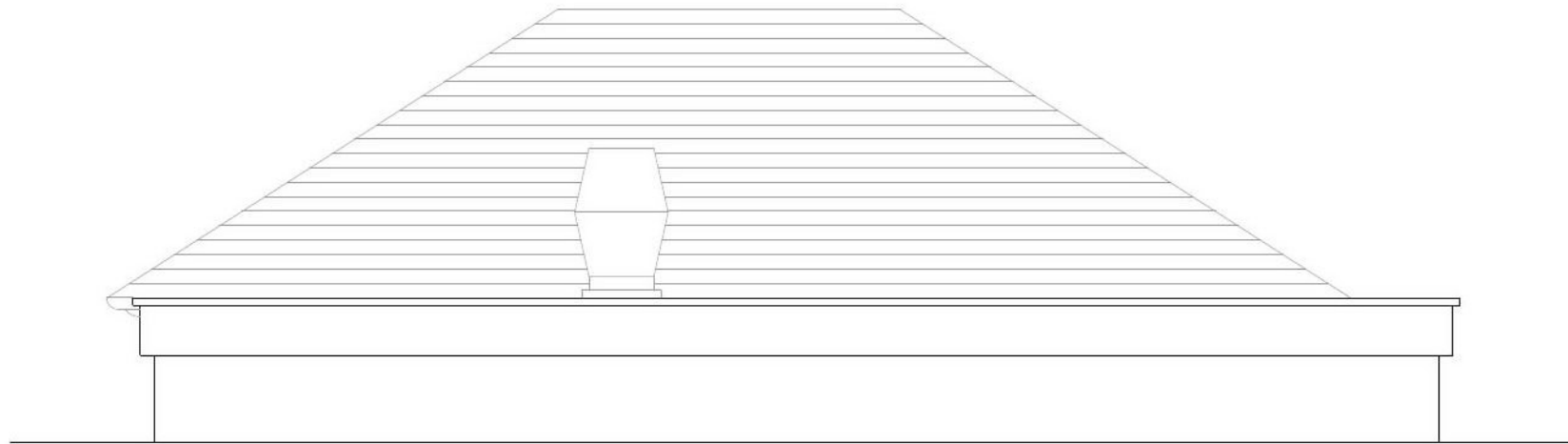
# Refused

**AC19**

Notes:

All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.

# Refused



Proposed South Elevation

# Refused



Scale in metres at 1:50

Rev

**Planning**

PROJECT TITLE:

Hot Food Takeaway

CLIENT:

Mr S Sarwar

LOCATION:

Carnoustie

DWG TITLE:

Proposed Elevation

SCALE: 1:50 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

**4865-PA-09**

LJRH Chartered Architects

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## 49 Barry Road—Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations.

### Photo Survey



Image 1.



Image 2.





Image 3.



Image 4.



Image 5.



Image 6.



Image 7.



Image 8.



Image 9.



Image 10.



Image 11.

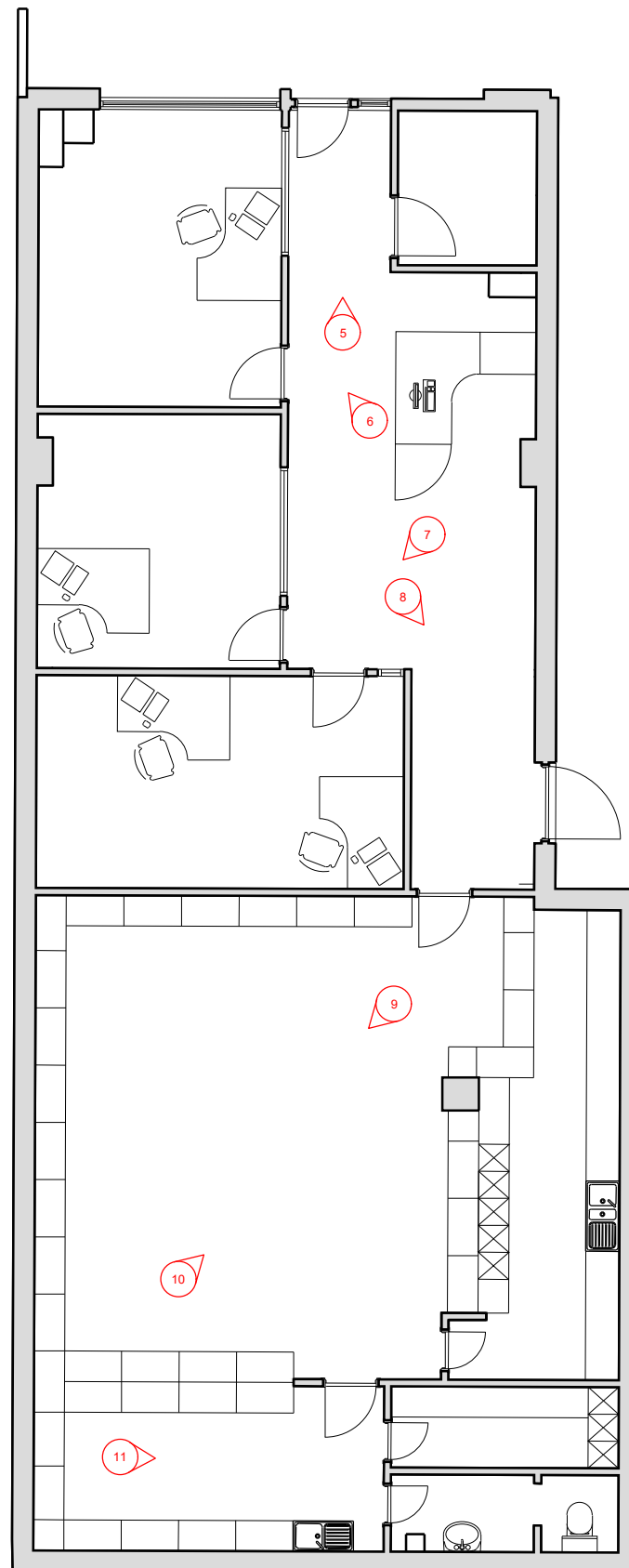
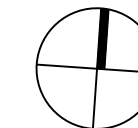
# AC20

## Notes:

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Scale in metres at 1:100



A - Photo Survey Annotations

Rev

## Planning

PROJECT TITLE:

Hot Food Takeaway

CLIENT:

Mr S Sarwar

LOCATION:

Carnoustie

DWG TITLE:

Existing Floor Plan

SCALE: 1:100 @ A3 DATE: August '21 DRAWN BY: CT

DRAWING NO:

# 4865-PA-02A

LJRH Chartered Architects

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND)  
REGULATIONS 2013

PLANNING PERMISSION REFUSAL  
REFERENCE : 21/00763/FULL

To **Mr Mohammed Sarwar**  
c/o LJRH  
**Chartered Architects**  
**18 South Tay Street**  
**DUNDEE**  
**DD1 1PD**

With reference to your application dated 22 October 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations at 49 Barry Road Carnoustie DD7 7QQ for Mr Mohammed Sarwar**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

**The reasons for the Council's decision are:-**

1. The proposal does not comply with the locational guidance for the siting of hot food takeaways and restaurants provided in Angus Council Advice Note 2/2018 and would introduce a night-time economy related use into a predominantly residential area resulting in adverse impacts on the residential amenity of those that live close to the site. The proposal is not considered to be of a nature or scale appropriate to its location and would adversely impact on residential amenity and is contrary to policies DS1 and DS4 of the Angus Local Development Plan (2016) and the locational guidance contained within Angus Council Advice Note 2/2018.

**Amendments:**

The application has not been subject of variation.

Dated this **16 May 2022**

Jill Paterson  
Service Lead  
Planning and Sustainable Growth  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN

## Planning Decisions – Guidance Note

Please retain – this guidance forms part of your Decision Notice

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

**Please read the notes carefully to ensure effective compliance with the new regulations.**

### DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

## PLANNING DECISIONS

### Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

| Determination Type                                  | What does this mean?  | Appeal/Review Route   |
|---|---|---|
| <b>Development Standards Committee/Full Council</b> | National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached. | <b>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</b> |
| <b>Delegated Decision</b>                           | Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.                            | <b>Local Review Body – See details on attached Form 2</b>                   |
| <b>Other Decision</b>                               | All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.                                 | <b>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</b> |



**Notification of initiation of development (NID)**

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

**Notification of completion of development (NCD)**

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

**Display of Notice while development is carried out**

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN

Telephone 01307 492076 / 492533  
E-mail: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)



## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

### **The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1**

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-
  - a) to refuse permission for the proposed development;
  - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
  - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

### The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided through  
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
  - a) to refuse permission for the proposed development;
  - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
  - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# PLANNING

## Your experience with Planning

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

**Q.1 I was given the advice and help I needed to submit my application/representation:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.2 The Council kept me informed about the progress of the application that I had an interest in:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.3 The Council dealt promptly with my queries:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.4 The Council dealt helpfully with my queries:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.5 I understand the reasons for the decision made on the application that I had an interest in:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.6 I feel that I was treated fairly and that my view point was listened to:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**OVERALL SATISFACTION:** Overall satisfaction with the service: .....

**Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?**

|                          |                          |   |                            |                          |
|--------------------------|--------------------------|---|----------------------------|--------------------------|
| <b>Very satisfied</b>    | <b>Fairly satisfied</b>  | <b>Neither Satisfied nor Dissatisfied</b> | <b>Fairly Dissatisfied</b> | <b>Very Dissatisfied</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                  | <input type="checkbox"/>   | <input type="checkbox"/> |

**OUTCOME:** Outcome of the application:

**Q.8 Was the application that you had an interest in:-**

|                            |                          |                            |                          |           |                          |
|----------------------------|--------------------------|----------------------------|--------------------------|-----------|--------------------------|
| Granted Permission/Consent | <input type="checkbox"/> | Refused Permission/Consent | <input type="checkbox"/> | Withdrawn | <input type="checkbox"/> |
|----------------------------|--------------------------|----------------------------|--------------------------|-----------|--------------------------|

**Q.9 Were you the:-** Applicant  Agent  Third Party objector who made a representation

Please complete the form and return in the pre-paid envelope provided.  
Thank you for taking the time to complete this form.



Ref : 4865

## Supporting Statement

### Hot Food Takeaway, 49 Barry Road, Carnoustie



#### Location

The application site is situated on the south side of Barry Road in Carnoustie. The property comprises of a detached single storey vacant shop unit, located some 54m west of Victoria Street. In front of the premises, there is a set back in the pavement, which provides parking for five to six cars. To the east are two semi-detached dwellings, which are separated from the site by approximately 6.500m of garden ground. To the south there are the gardens of residential properties, with the nearest house being 35m away from the rear of the premises. To the west, is a cottage with a large extension to the rear and garden ground beyond. This property is separated from the premises by a gravelled access, approximately 2.500m wide which is in the ownership of the applicant. On the opposite side of the road (north), there are a number of detached and semi-detached dwellings and a further parking area for approximately six cars.

#### Site History

There appear to be three planning applications which relate to this property. The first (98/00289/FULL) was for the installation of an ATM Cash machine. This was approved on 8<sup>th</sup>

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May 1998. A further application for the erection of an advertising sign (98/00290/ADV) was approved on 24<sup>th</sup> April 1998. A further application for change of use from Household Goods Shop (Class1) to financial services (Class 2) was approved subject to conditions on 12<sup>th</sup> March 2012.

## Proposal

The intention is to provide a Hot Food Takeaway with a small restaurant area, capable of catering for up to 26 people. No alterations are proposed externally, other than signage. At present, the applicant intends to retain the ATM facility. The only other external alteration will be to install a flue to provide ventilation. This is mentioned in more detail below.

## Refuse Disposal

There is currently a waste bin located at the front of the premises, with a further bin situated beside the bus stop on the opposite side of the road. It is anticipated that the new facility will require three domestically sized wheelie bins. One for general waste, one for recycling and one for food waste. These can be accommodated just inside the gate onto the street, which provides access along the east side of the building to the fire exit.

## Ventilation Equipment

Our client's intention to install an extract canopy, directly over the main cooking area. The ventilation engineers, Fusion Hot, who are both supplying the catering equipment and designing the extraction system have informed us that the intention is to duct a galvanised flue through the roof. The only part of the extraction system that will be visible will be a small jet cowl on top of the flat roofed area. The extraction system is designed so that it does not cause vibration and noise. The whole system is rubber mounted for vibration as standard. The extract fan itself is inside the building, has a silencer, and produces less than 40 decibels. They also confirmed that the fans and motor units are all fixed on anti-vibration mounts and that the duct work would be joined to these using flexible couplings. The final efflux velocity would be a minimum of 10m a second. This is linked through a Purifiedair Electrostatic Precipitator ESP3000E with purified air site safe carbon filters to be installed in the extraction ducting for the filtration of extracted fumes from the kitchen. A more detailed description of the system is included as part of the application.

## Planning Policy

Although the proposed development relates to a change of use for an existing building outwith the town centre, the proposal is in-keeping with the sporadic nature of retail units along Barry Road. A similar application for a Hot Food Takeaway was recently approved at 6-8 Barry Road, Carnoustie (20/00024/FULL). We have managed to establish that the shop unit operated as a Grocer's and Newsagents from at least the early 1950s. Although it had various uses over the years, such as a general store, we understand it reverted to a Licenced Grocer's and Newsagents and operated as such between 2010 – 2012, before being used as an office providing financial advice.

Policy DC1 appears to be supportive of this development. It is within the development boundary and of modest scale. We note in a similar application, the Case Officer stated that "a Hot Food Takeaway is a use that attracts visitors with relation to Planning Application 20/00024/FULL, the Planning Department's view was that although not within a defined town centre area, the building was already in commercial use and the location was considered as a

mixed-use area as it included a number of commercial activities, including retail, food, hotel, car garage etc. It was also stated “a facility of this nature proposed would not have a significant impact on the vibrancy, vitality and viability of the town centre”.

## Operational Hours

The intention is to open from 12 midday until 12 midnight, seven days a week. The delivery of goods to the premises would only take place between 7am – 7pm, Monday to Saturday only.

## Notes:

All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.

## Detail for Proposed Extraction and Ventilation System

Our standard multiple unit consists of a GSS casing with 50 x 50 6mm RSA ranges both ends internally 50 x 50 x 6mm RSA frames are provided at both ends of the cells which in turn sit on 10g shelves, welded to both frames This gives a very rigid internal structure which avoids distortion of the casing.

The inlet frame is again provided with jacking bolts to push the 'Module' against the sealed frame on the outlet Pre-filter slides are provided when required. On multiple cell casings separate access doors for the 'Module' and pre-filters are normally provided.

### SIDE ACCESS CASINGS (PANELS)

This unit is constructed to house a sense of carbon panels in 'V formation arranged for side withdrawal and consists of a galvanised sheet steel flanged casing, with side access doors to facilitate the removal of the various panels

Each carbon panel is fully supported by mesh, and slides are provided for a pre-filter, plus slides for a grease filter where required (i.e. kitchen extract applications).

Since different applications require varying weights of carbon to ensure an effective reduction in odour or fume emission, we offer this unit with a range of carbon loadings to cover light, medium and heavy duty situations.

However, carbon cell life will be increased proportionately to the weight of carbon utilised, and therefore the more carbon used the less frequently will maintenance be required, Apart from being more effective, higher carbon loadings may be essential where high odour concentration are present

OTHER PRODUCTS IN OUR RANGE INCLUDE (See Product Guide)

### METAL CASED CELLS WITH REPLACEABLE PANELS

These units are suitable for applications where larger quantities of carbon relative to air flow are unnecessary, or where Modules are unsuitable. They are manufactured from galvanised sheet steel and have slides for the insertion and removal of individual carbon panels. The panels have an aluminum channel frame surround to prevent damage to the panels, wear being inserted, and to provide a base for sealing gaskets. The Shoe Cell panels are removed from the side of the casing, whereas the Long Cell and Double butt' Cell are frontier withdrawal. The Long cell L double duty cell should be installed with carbon panels vertical. For higher carbon loadings we recommend the use of the Modules.

Our unique patented bonding system produces carbon biscuits of consistent quality which are dimensionally stable and dust free. The biscuits incorporate a non-woven fabric on both faces and all edges are normally supplied fitted into an aluminium channel frame.

Galvanised or stainless steel frames can be provided if required, or the biscuit can be supplied unframed.

These panels can be manufactured to any reasonable size and in a range of densities and thickness'.

### CARBON TESTING SERVICE

Since accurate information is not normally available regarding details and concentrations of all the contaminants in the airstream, it is generally extremely difficult to calculate in advance the life expectancy of an activated carbon filler

However, it is possible to obtain reasonably accurate life expectancy levels by testing the carbon using a method known as CTC testing. This is a free service to our customers. To carry out a test we would require a small sample (150 gets minimum) of carbon from one of the cells or panels, together with an indication of the date of installation. From this information we can assess the tritely remaining useful life of the carbon

### SIDE ACCESS CASINGS ('MODULES')

Side access casings to house Modules' are available for single or multiple cell applications, with access on one or both sides as required.

For single cell installations, the casing consists of a galvanized sheet steel casing with either sheet or proprietary type flanges. E.g. -MEZ' or 'Ductmate.

The cell sits against an angle frame within the casing, which is fitted with a neoprene seal, An additional frame at the inlet to the filter has jacking bolts to push and hold the -Module against the seal.Pre-filter slides are also provided where required.

### PRE-FILTERS

Since carbon filters remove odours by adsorption, any build-up of dirt or grease on the carbon face will result in the blanking or encapsulation of the open porous structure of the carbon, and will inhibit or totally destroy the process.

It is therefore essential that a suitable pre-filter is provided to protect the carbon filters, and this should be of the highest grade economically viable. The pre-filter would normally be a panel or bag with a minimum performance of EU3 to Eurovent 4/5 (although an absolute or electrostatic filter may be required in some applications). We do not consider a glass panel to be suitable. If a disposable panel is to be used we recommend a 3" nominal thickness Pre-Garb filter. This consists of a 7' pleated element plus a 1" synthetic pad contained in a card frame with a classification of EU4 to Eurovent 4/5.

In kitchen extract or similar applications where grease is present, a high efficiency or electrostatic filter should be fitted before the carbon unit, which should be as far as possible from the air inlet At pre-filters should be checked regularly and replaced if necessary

NOTE. We cannot stress sufficiently that every effort should be made to ensure that grease and smoke particles are prevented from reaching the carbon filters, both of which will very rapidly destroy the effectiveness of the carbon

### METAL CASED 'MODULES'

The metal cased 'Module' cells have the highest carbon loading in our range, with standard or heavy duty carbon panels permanently sealed into a galvanized sheet steel casing. This construction gives a very strong unit capable of handling large air volumes, or where conditions dilate, increased contact time. The advantage of this unit is that with the panels sealed in, there is no possibility of air leakage within the cell.

### ACTIVATED CARBON

Activated carbon has been utilised for many years to reduce fumes and gases from the air. Currently a wide range of carbons is available for this purpose in the continuous battle against the emission of unpleasant or even dangerous odours and fumes from a wide variety of sources. The ever-increasing awareness of this problem by the public health authorities and environmentalists has resulted in a corresponding increase in the use of activated carbon filters.

The types of carbon most commonly used in the H & V Industry are grades 203C and 207C (or equivalents). A large variety of other activated carbons are available. some of which are specially impregnated for particular applications

### APPLICATIONS

Carbon filters are desirable in many installations where airborne odours, chemical or toxic fumes are present and need to be reduced or eliminated The carbon will adsorb the chemical molecules in the airstream in varying degrees according to the particular contaminants involved and the type of carbon utilised. It may be interesting to note that, when activated, one gram of carbon can have a surface area of approximately 1000 sq.m.

Incoming air at city offices, industrial plants, airports, art galleries, museums etc., can be purified by passing it through carbon units fitted in the system.

Also air from kitchens, industrial processes, sewage plants etc., can be extracted through activated carbon before entering the atmosphere, greatly reducing its impact on the environment and to comply with pollution regulations or local authority requirements.

### PERMANENT SUSPENSION

Activated carbon in its loose form can present problems in any installation since there is a tendency for the granules to move against each other causing bedding down, which produces dust and can also allow by-pass to take place. However, permanent suspension panels that are utilised throughout our range have the granules held together by a patented bonding process, and incorporate a non-woven fabric on both faces this construction eliminates the problems described above, and produces a homogeneous biscuit of consistent quality with dimensional stability, thus producing an even resistance across the panel.

In order that a carbon filler may operate satisfactorily certain criteria have to be met which do not apply to particulate filters. The most important aspect is the dwell time (i.e the period of time the air is in contact with the carbon) Which in many applications is recommended to be approximately 0.1 seconds. This equates to a face velocity of 38 fpm (0.19 m/s) when using a standard 1" (25mm) nominal thickness panel. However, the dwell time can vary with different applications and in some cases needs to be considered increased. As can be seen from the face velocity quoted above, a much larger panel area is required for given air volume than is needed for a particulate filter. For this reason carbon cells rather than panels are nearly always required in order to maintain a reasonable duct size in relation to the air volume being handled. The cells contain a number of panels in 'V formation to give an extended surface area.

As far as possible water vapour should be removed from the airstream to eliminate possible condensation within the filter that could cause porous blockage and possible breakdown of the biscuit. Porous blockage will tend to nullify the adsorption effect of the carbon and cause a dramatic increase in air resistance (this also applies to carbon in loose form). However, conditions as high as 80% RH are normally acceptable provided no interstitial condensation takes place.

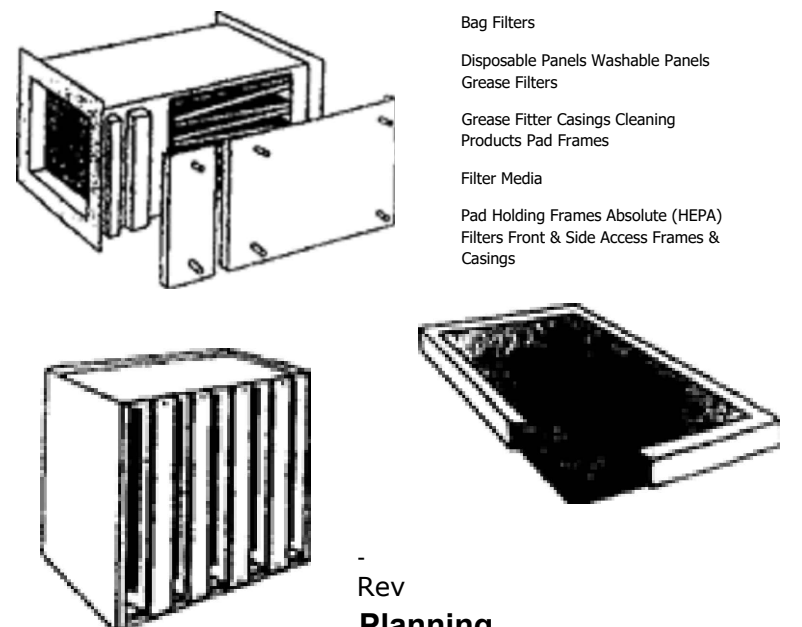
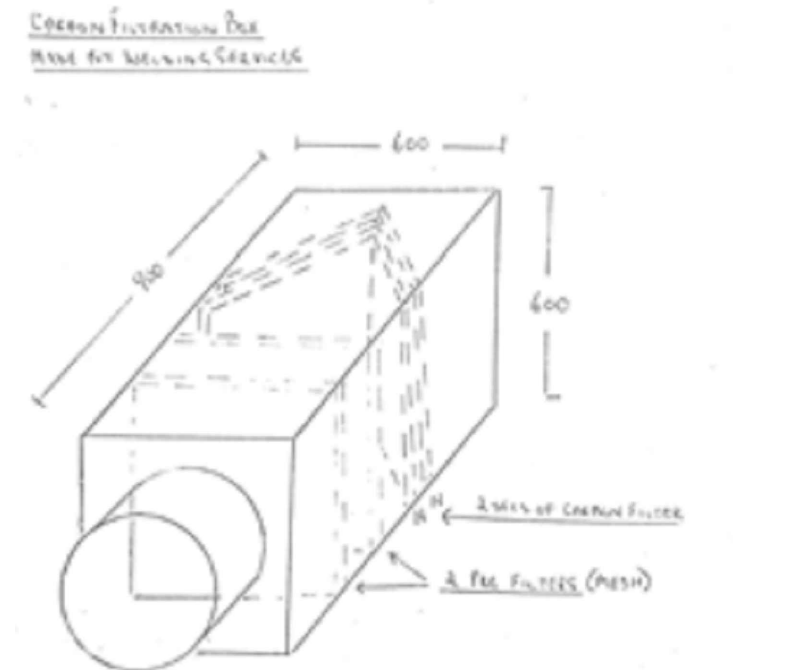
Airstream temperatures entering the filter in excess of 40C (104F) should be avoided if possible. If temperatures in excess of this figure are anticipated, steps should be taken to reduce the temperature to an acceptable level e.g. with fresh air bleed, cooling coil or heat exchanger, to prevent any regeneration taking place

### NOTES ON USE AND SELECTION OF CARBON PANELS AND UNITS

(a) Permanent suspension panels are normally supplied fitted with an aluminium frame and can be made to any reasonable size to existing panels of all makes.

(b) As a guide, a 1" nominal thickness panel should be selected to have a window velocity not exceeding 36 fpm (0.19 m/s) is a 24" x 24"x 1' nominal panel will handle up to 132cfm (0.06m/a).

(c) Some processes give off large amounts of smoke, which is extremely detrimental if allowed to reach the carbon filters. In many cases this can be overcome by the use of a good quality pre-filter (see section 6). This will also protect the carbon from particulates that will block the carbon and prevent



- Rev

## Planning

PROJECT TITLE:

Hot Food Takeaway

CLIENT:

Mr S Sarwar

LOCATION:

Carnoustie

DWG TITLE:

Ventilation Specification

SCALE: -

DATE: August '21

DRAWN BY: CT

DRAWING NO:

# 4865-PA-08

LJRH Chartered Architects

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**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**  
**APPLICATION FOR REVIEW – 49 BARRY ROAD, CARNOUSTIE**  
**APPLICATION NO 21/00763/FULL**  
**APPLICANT’S SUBMISSION**

**Page No**

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Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: [plnprocessing@angus.gov.uk](mailto:plnprocessing@angus.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100476302-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

|                      |   |  |  |
|----------------------|---|--|--|
| Title:               | <input type="text" value="Mr"/>                                       | You must enter a Building Name or Number, or both: * |  |
| Other Title:         | <input type="text"/>  | Building Name:                                       | <input type="text"/>                       |
| First Name: *        | <input type="text" value="Mohammed"/>                                 | Building Number:                                     | <input type="text" value="49"/>            |
| Last Name: *         | <input type="text" value="Sarwar"/>                                   | Address 1 (Street): *                                | <input type="text" value="49 Barry Road"/> |
| Company/Organisation | <input type="text"/>  | Address 2:   | <input type="text"/>                       |
| Telephone Number: *  | <input type="text" value="██████████"/>                               | Town/City: *   | <input type="text" value="Carnoustie"/>    |
| Extension Number:    | <input type="text"/>  | Country: *   | <input type="text" value="Angus"/>         |
| Mobile Number:       | <input type="text" value="██████████"/>                               | Postcode: *  | <input type="text" value="DD7 7QQ"/>       |
| Fax Number:          | <input type="text"/>  |  |  |
| Email Address: *     | <input type="text" value="██"/> |  |  |

## Site Address Details

|   |  |
|---|--|
| Planning Authority:   | <input type="text" value="Angus Council"/> |
| Full postal address of the site (including postcode where available): |  |
| Address 1:  | <input type="text" value="49 BARRY ROAD"/> |
| Address 2:  | <input type="text"/>                       |
| Address 3:  | <input type="text"/>                       |
| Address 4:  | <input type="text"/>                       |
| Address 5:  | <input type="text"/>                       |
| Town/City/Settlement:   | <input type="text" value="CARNOUSTIE"/>    |
| Post Code:  | <input type="text" value="DD7 7QQ"/>       |

Please identify/describe the location of the site or sites

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="734463"/> | Easting | <input type="text" value="355103"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use from office to restaurant and hot food takeaway with associated alterations.

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to separate supporting document.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

- |   |                       |                         |                             |                          |                                    |   |
|---|-----------------------|-------------------------|-----------------------------|--------------------------|------------------------------------|---|
| 1. Original Supporting statement  | 2. Location Plan      | 3. Proposed site plan   | 4. Existing north elevation | 5. Existing floor plan   | 6. Proposed south (rear) elevation | 7. Existing and proposed east and west elevations |
| 8. Proposed north elevation and signage (showing area to remain as garden ground) | 9. Proposed roof plan | 10. Proposed floor plan | 11. Site plan               | 12. Case officers report | 13. Refusal                        | 14. Appeal supporting statement                   |

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00763/FULL

What date was the application submitted to the planning authority? \*

22/10/2021

What date was the decision issued by the planning authority? \*

16/05/2022

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A hearing would enable the LRB to clarify any queries they have with the applicant or agent.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Bob Hynd

Declaration Date: 13/07/2022

L J R H

Chartered Architects  
 18 South Tay Street  
 Dundee DD1 1PD  
 Tel: 01382 200511  
 admin @ LJRH.co.uk



Ref : 4865

## Appeal Supporting Statement Hot Food Takeaway, Barry Road, Carnoustie



This supporting statement is in relation to an appeal against the decision to refuse a recent planning application (Change of Use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations, 49 Barry Road, Carnoustie DD7 7QQ. Ref : 21/00763/FLL). The application was to change the use of an existing building to form a restaurant and hot food takeaway. This is a detached single storey building, most recently used as a financial services office. However, we have established that this building operated as a licensed grocer and newsagents from at least the early 1950s. The applicant operated a licensed grocer business and newsagent from these premises from 1990 – 1995. It was then operated by “Morning, Noon and Night” and then subsequently by “Scotmid”. During this period the operating hours were always 6am to 10pm. There was also an ATM which was installed around 22 years ago, which recently ceased operation. This is likely to be a loss to the area, as we understand that there are now no bank facilities in Carnoustie. Should the appeal be successful, and the premises re-occupied, this would justify providing the ATM facility again.

The reason for refusal given was “the proposal does not comply with the locational guidance for the siting of hot food takeaways and restaurants provided in Angus council Advice Note 2/2018 and would introduce a night time economy related use into a predominately residential area resulting in adverse impacts on the residential amenity of those that live close by to the site. The proposal is not considered to be of a nature or scale appropriate to its location and would adversely impact on residential amenity and is contrary to policies DS1 and DS4 of the Angus Local Development Plan (2016) and the locational guidance contained within Angus Council Advice Note 2/2018. “As part of the appeal, we would like the following points taken into consideration :

- a. There is a busy “Spar” retail convenience store situated just 30m to the east of the appeal site. It is separated from the appeal site by two semi-detached dwellings. The appeal site has a

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floor area of 157sq m, whereas the Spar shop has a footprint of 360sq m, which is more than twice the size of the appeal site. The Spar shop also contains a Post Office and sells wines, beers and spirits and is open from 6.30am to 10pm, seven days a week.

- b. A Premier convenience store at 6 – 8 Barry Road in close proximity to the site was granted a change of use to a Hot Food Takeaway on 13<sup>th</sup> March 2020 (20/00024/FULL). This premises has subsequently been opened as “The Steeple Chip Shop” We note in the Case Officer Report in relation to this application, the Case Officer stated that “a hot food takeaway is a use that attracts visitors, with relation to planning application 20/00024/FLL, the Planning Departments view was although not within a defined town centre area, the building was already in commercial use and the location was considered as a mixed use area”. This statement could equally apply to the appeal site.
- c. Although the East End of Carnoustie is well catered for with a number of Hot Food Takeaways, such as the “Aboukir”, “The Curry Lounge”, “Ganges”, “Indos” and “Thai Kitchen”. However, these are a considerable distance away and this area does not benefit from a similar hot food takeaway.
- d. The Environmental Health Department had no objection to the proposal, subject to conditions relating to ventilation.
- e. The Community Council did not object.
- f. The Roads Department “offered no objection”.
- g. The Case Officer in his report, stated “having regard to the scale of the operation, it is unlikely to be a use which would result in a significant impact on the vibrancy, vitality and viability of the Town Centre”.
- h. The proposal is in-keeping with the sporadic nature of retail units along Barry Road. As well as the current application site, these include the Chip Shop recently granted planning permission, the existing Spar shop, Carnoustie Tyres, Boots Pharmacy, the public toilet facility, the new Co-Op mini-market and the Carnoustie Convenience Store. All of which, although situated along Barry Road, are in within a few hundred yards of the application site.
- i. Policy DC1 appears to be supportive of this development. “As it is within the development boundary and of a modest scale”.

We would appreciate if the above comments could be taken into account when the appeal against this refusal notice is considered by the Local Review Body.



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 Tel: 01382 200511  
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Ref : 4865

## Supporting Statement

### Hot Food Takeaway, 49 Barry Road, Carnoustie



#### Location

The application site is situated on the south side of Barry Road in Carnoustie. The property comprises of a detached single storey vacant shop unit, located some 54m west of Victoria Street. In front of the premises, there is a set back in the pavement, which provides parking for five to six cars. To the east are two semi-detached dwellings, which are separated from the site by approximately 6.500m of garden ground. To the south there are the gardens of residential properties, with the nearest house being 35m away from the rear of the premises. To the west, is a cottage with a large extension to the rear and garden ground beyond. This property is separated from the premises by a gravelled access, approximately 2.500m wide which is in the ownership of the applicant. On the opposite side of the road (north), there are a number of detached and semi-detached dwellings and a further parking area for approximately six cars.

#### Site History

There appear to be three planning applications which relate to this property. The first (98/00289/FULL) was for the installation of an ATM Cash machine. This was approved on 8<sup>th</sup>

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May 1998. A further application for the erection of an advertising sign (98/00290/ADV) was approved on 24<sup>th</sup> April 1998. A further application for change of use from Household Goods Shop (Class1) to financial services (Class 2) was approved subject to conditions on 12<sup>th</sup> March 2012.

### Proposal

The intention is to provide a Hot Food Takeaway with a small restaurant area, capable of catering for up to 26 people. No alterations are proposed externally, other than signage. At present, the applicant intends to retain the ATM facility. The only other external alteration will be to install a flue to provide ventilation. This is mentioned in more detail below.

### Refuse Disposal

There is currently a waste bin located at the front of the premises, with a further bin situated beside the bus stop on the opposite side of the road. It is anticipated that the new facility will require three domestically sized wheelie bins. One for general waste, one for recycling and one for food waste. These can be accommodated just inside the gate onto the street, which provides access along the east side of the building to the fire exit.

### Ventilation Equipment

Our client's intention to install an extract canopy, directly over the main cooking area. The ventilation engineers, Fusion Hot, who are both supplying the catering equipment and designing the extraction system have informed us that the intention is to duct a galvanised flue through the roof. The only part of the extraction system that will be visible will be a small jet cowl on top of the flat roofed area. The extraction system is designed so that it does not cause vibration and noise. The whole system is rubber mounted for vibration as standard. The extract fan itself is inside the building, has a silencer, and produces less than 40 decibels. They also confirmed that the fans and motor units are all fixed on anti-vibration mounts and that the duct work would be joined to these using flexible couplings. The final efflux velocity would be a minimum of 10m a second. This is linked through a Purifiedair Electrostatic Precipitator ESP3000E with purified air site safe carbon filters to be installed in the extraction ducting for the filtration of extracted fumes from the kitchen. A more detailed description of the system is included as part of the application.

### Planning Policy

Although the proposed development relates to a change of use for an existing building outwith the town centre, the proposal is in-keeping with the sporadic nature of retail units along Barry Road. A similar application for a Hot Food Takeaway was recently approved at 6-8 Barry Road, Carnoustie (20/00024/FULL). We have managed to establish that the shop unit operated as a Grocer's and Newsagents from at least the early 1950s. Although it had various uses over the years, such as a general store, we understand it reverted to a Licenced Grocer's and Newsagents and operated as such between 2010 – 2012, before being used as an office providing financial advice.

Policy DC1 appears to be supportive of this development. It is within the development boundary and of modest scale. We note in a similar application, the Case Officer stated that "a Hot Food Takeaway is a use that attracts visitors with relation to Planning Application 20/00024/FULL, the Planning Department's view was that although not within a defined town centre area, the building was already in commercial use and the location was considered as a

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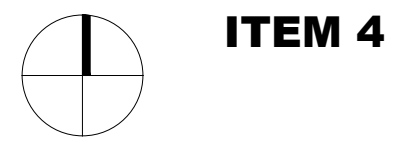
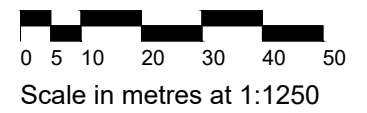
mixed-use area as it included a number of commercial activities, including retail, food, hotel, car garage etc. It was also stated “a facility of this nature proposed would not have a significant impact on the vibrancy, vitality and viability of the town centre”.

### Operational Hours

The intention is to open from 12 midday until 12 midnight, seven days a week. The delivery of goods to the premises would only take place between 7am – 7pm, Monday to Saturday only.



**Notes:**  
 All dimensions to be checked on site prior to commencement of works. Architect to be informed of any discrepancies prior to start of work. Do not scale off this drawing.



**Site Boundary**

Site Area: 237m<sup>2</sup>

Rev  
**Planning**

---

PROJECT TITLE:  
**Hot Food Takeaway**

CLIENT:  
**Mr S Sarwar**

LOCATION:  
**Carnoustie**

DWG TITLE:  
**Location Plan**

SCALE: 1:1250 @ A3    DATE: August '21    DRAWN BY: CT

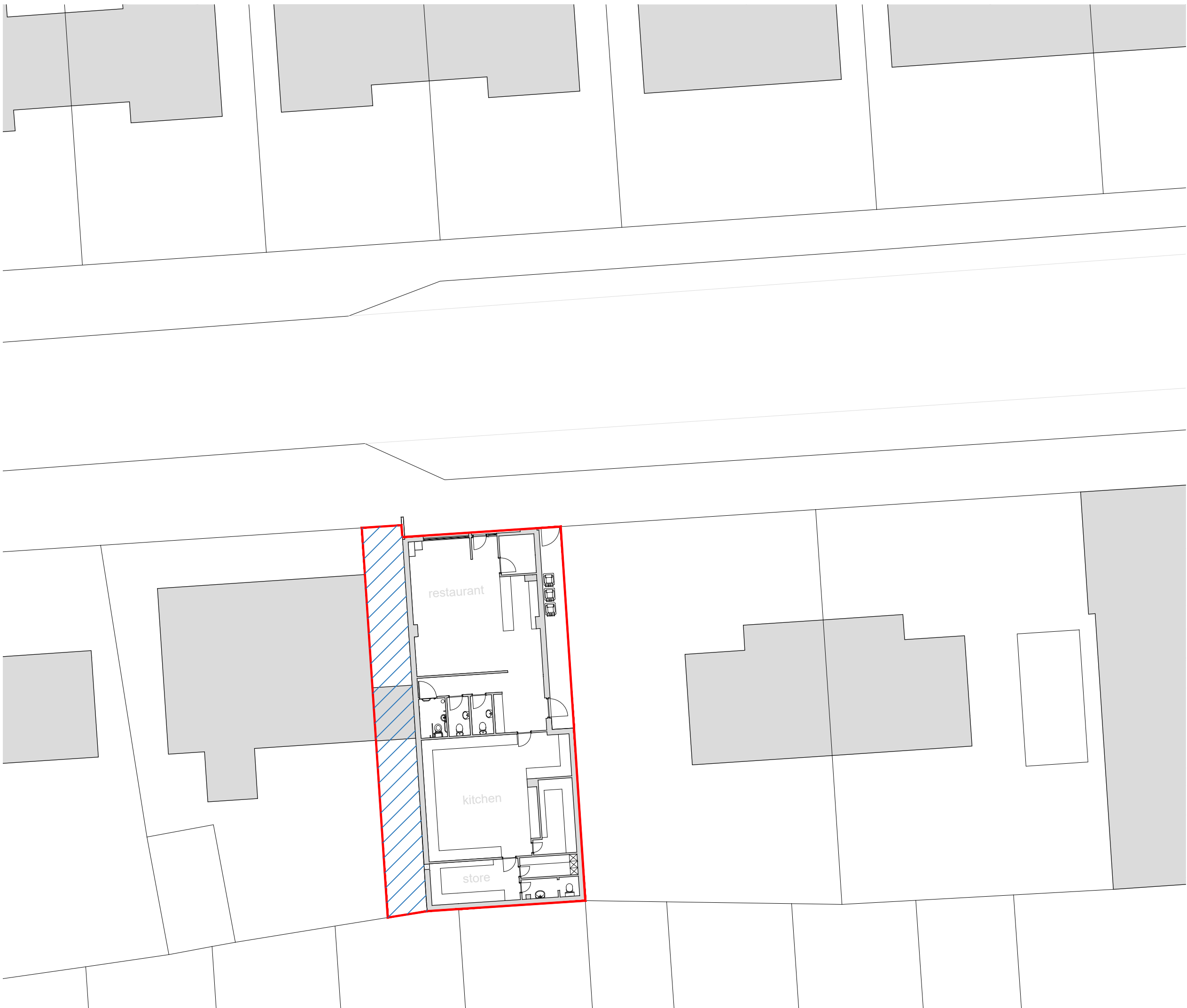
DRAWING NO:  
**4865-PA-01**

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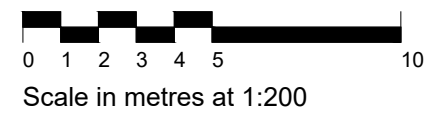
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 Area in ownership of applicant to remain as garden ground

Rev  
**Planning**

---

PROJECT TITLE:  
**Hot Food Takeaway**

CLIENT:  
**Mr S Sarwar**

LOCATION:  
**Carnoustie**

DWG TITLE:  
**Proposed Site Plan**

SCALE: 1:200 @ A3    DATE: May '22    DRAWN BY: CT

DRAWING NO:  
**4865-PA-04**

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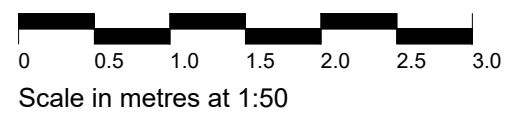
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**ITEM 6**



-  
Rev

**Planning**

PROJECT TITLE:

**Hot Food Takeaway**

CLIENT:

**Mr S Sarwar**

LOCATION:

**Carnoustie**

DWG TITLE:

**Existing Elevation**

SCALE: 1:50 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

**4865-PA-03**

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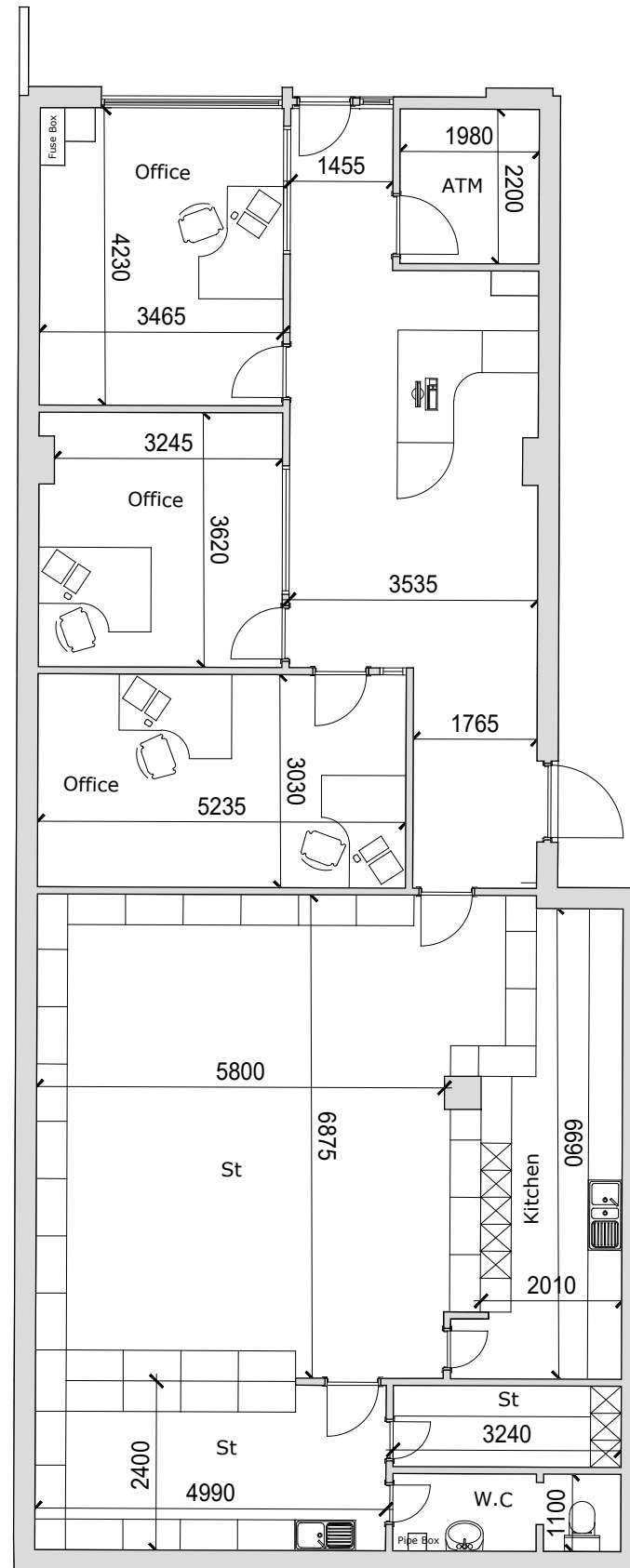
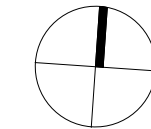
# ITEM 7

## Notes:

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Scale in metres at 1:100



Rev

## Planning

PROJECT TITLE:

Hot Food Takeaway

CLIENT:

Mr S Sarwar

LOCATION:

Carnoustie

DWG TITLE:

Existing Floor Plan

SCALE: 1:100 @ A3 DATE: August '21 DRAWN BY: CT

DRAWING NO:

# 4865-PA-02

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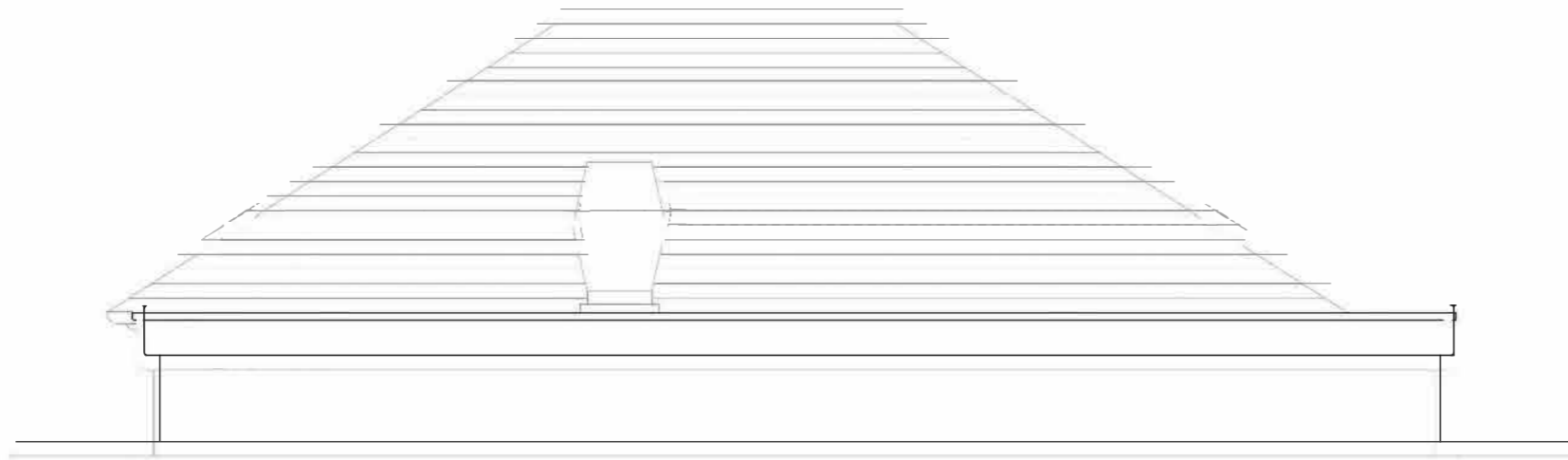
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**Notes:**

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**ITEM 8**

# Refused



Proposed South Elevation

# Refused

**Rev**

**Planning**

PROJECT TITLE:

Hot Food Takeaway

CLIENT:

Mr S Sarwar

LOCATION:

Carnoustie

DWG TITLE:

Proposed Elevation

SCALE: 1:50 @ A3

DATE: August '21

DRAWN BY: CT

DRAWING NO:

**4865-PA-09**

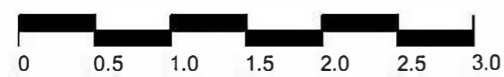
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Scale in metres at 1:50



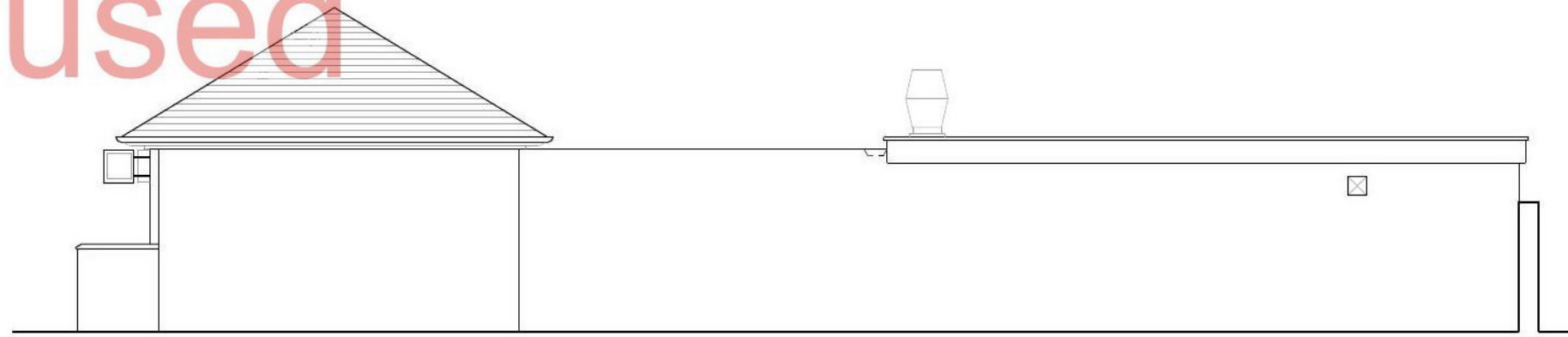
# Refused

## ITEM 9

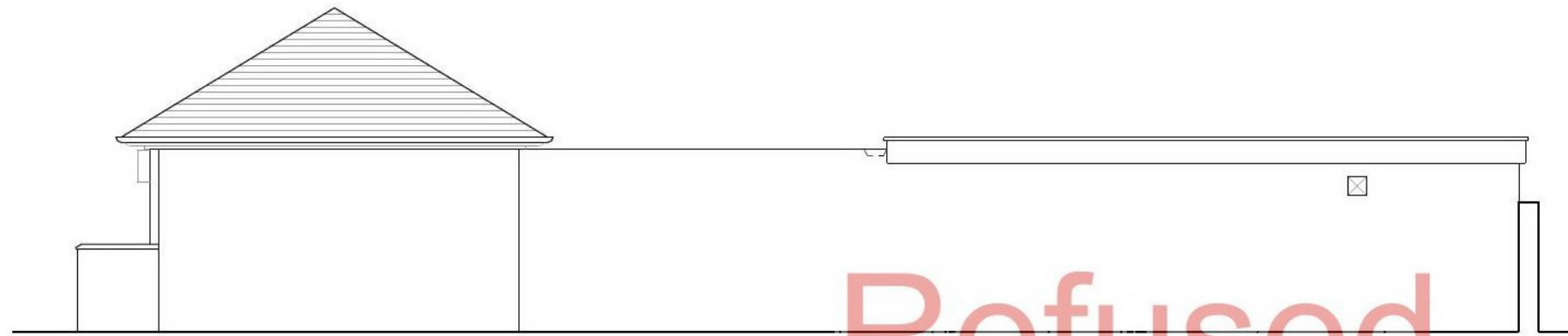
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Scale in metres at 1:100

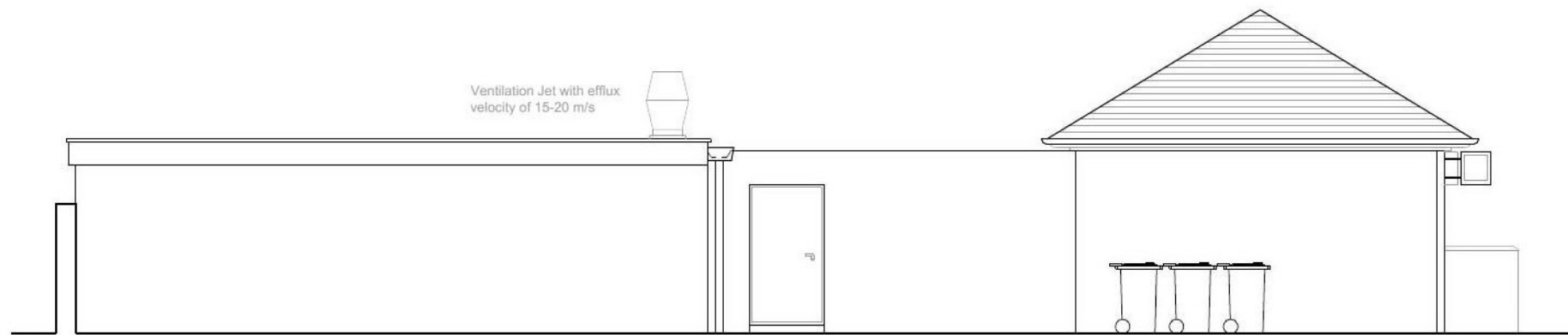


Proposed West Elevation

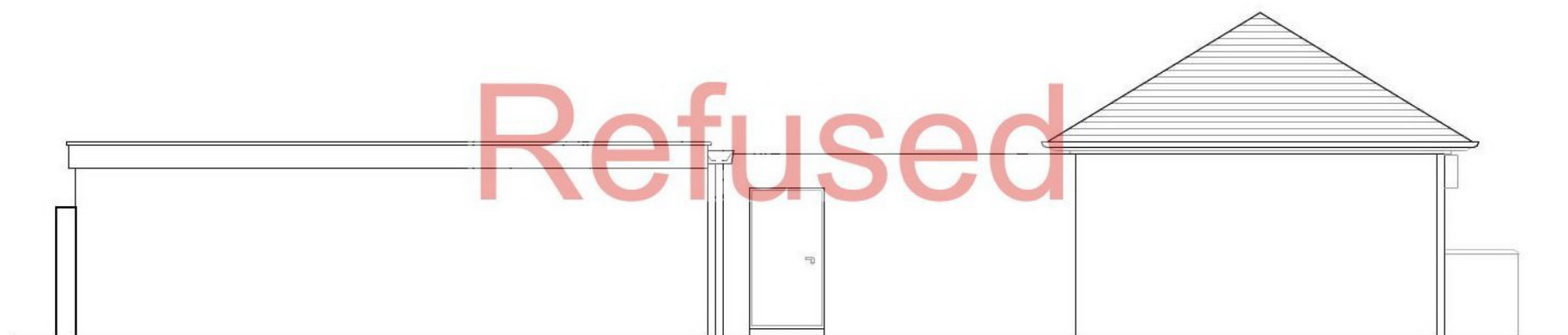


Existing West Elevation

# Refused



Proposed East Elevation



Existing East Elevation

# Refused

### Rev Planning

PROJECT TITLE:  
**Hot Food Takeaway**  
CLIENT:  
**Mr S Sarwar**  
LOCATION:  
**Carnoustie**  
DWG TITLE:  
**Elevations**

SCALE: 1:100 @ A3    DATE: October '21    DRAWN BY: CT

DRAWING NO:

## 4865-PA-08

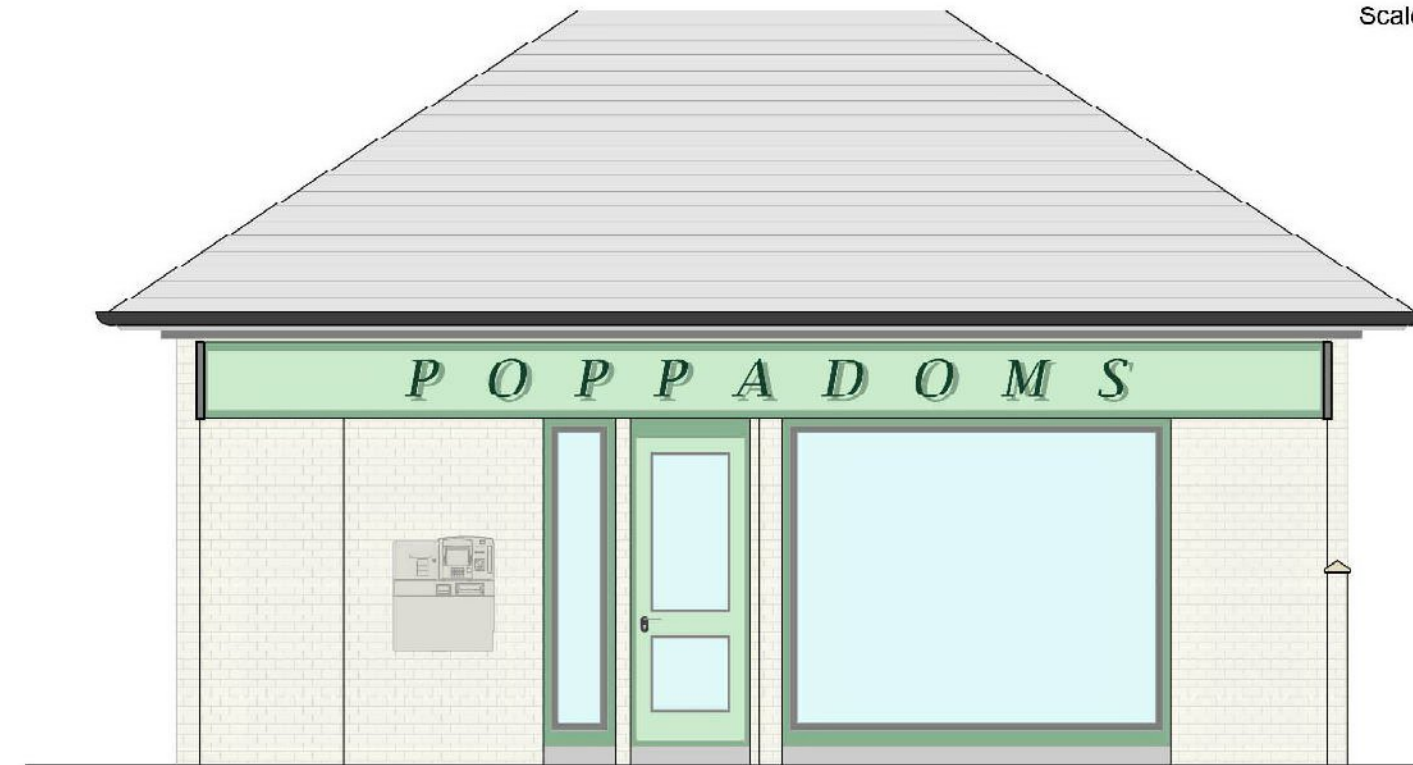
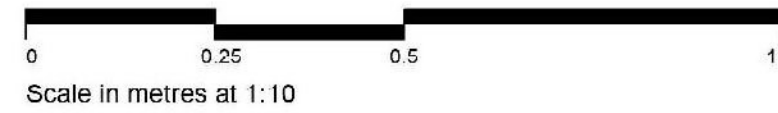
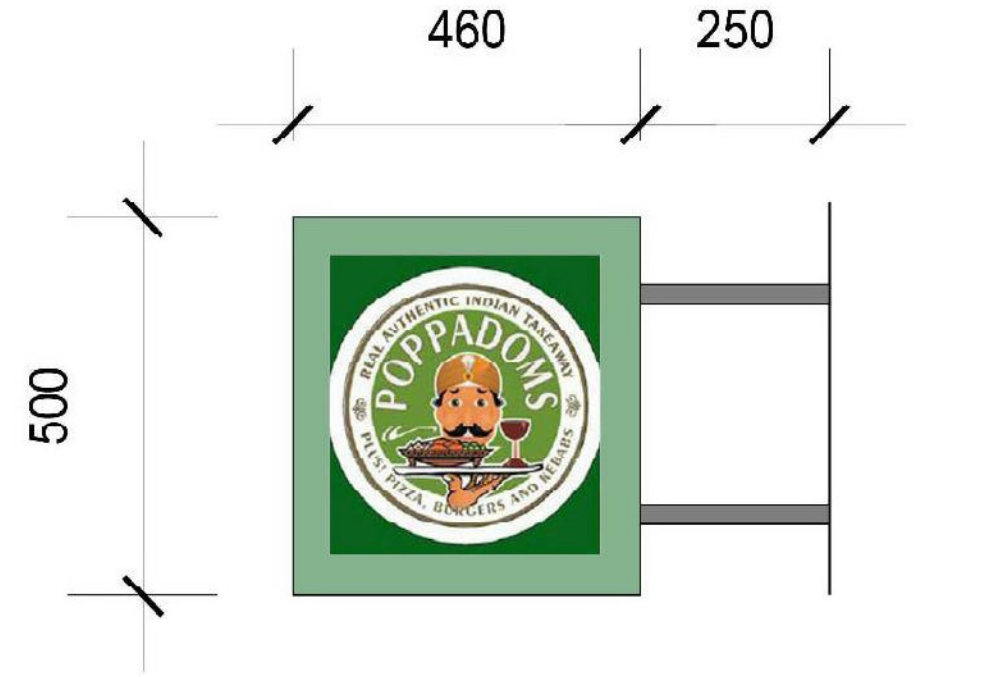
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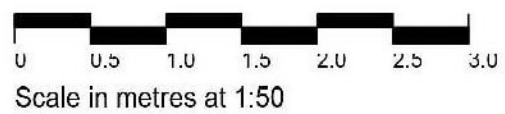


Refused



North (Front) Elevation

Refused



Notes:  
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ITEM 10

A - Revised Signage

Rev

Planning

PROJECT TITLE:  
Hot Food Takeaway

CLIENT:  
Mr S Sarwar

LOCATION:  
Carnoustie

DWG TITLE:  
Proposed Elevation

SCALE: 1:50/1:10 @ A3 DATE: August '21 DRAWN BY: CJ

DRAWING NO:

**4865-PA-07A**

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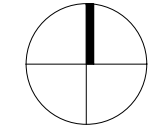




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Scale in metres at 1:200



**ITEM 11**

Rev  
**Planning**

PROJECT TITLE:  
**Hot Food Takeaway**  
 CLIENT:  
**Mr S Sarwar**  
 LOCATION:  
**Carnoustie**  
 DWG TITLE:  
**Proposed Roof Plan**

SCALE: 1:200 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:  
**4865-PA-06**

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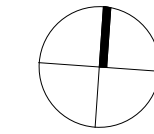


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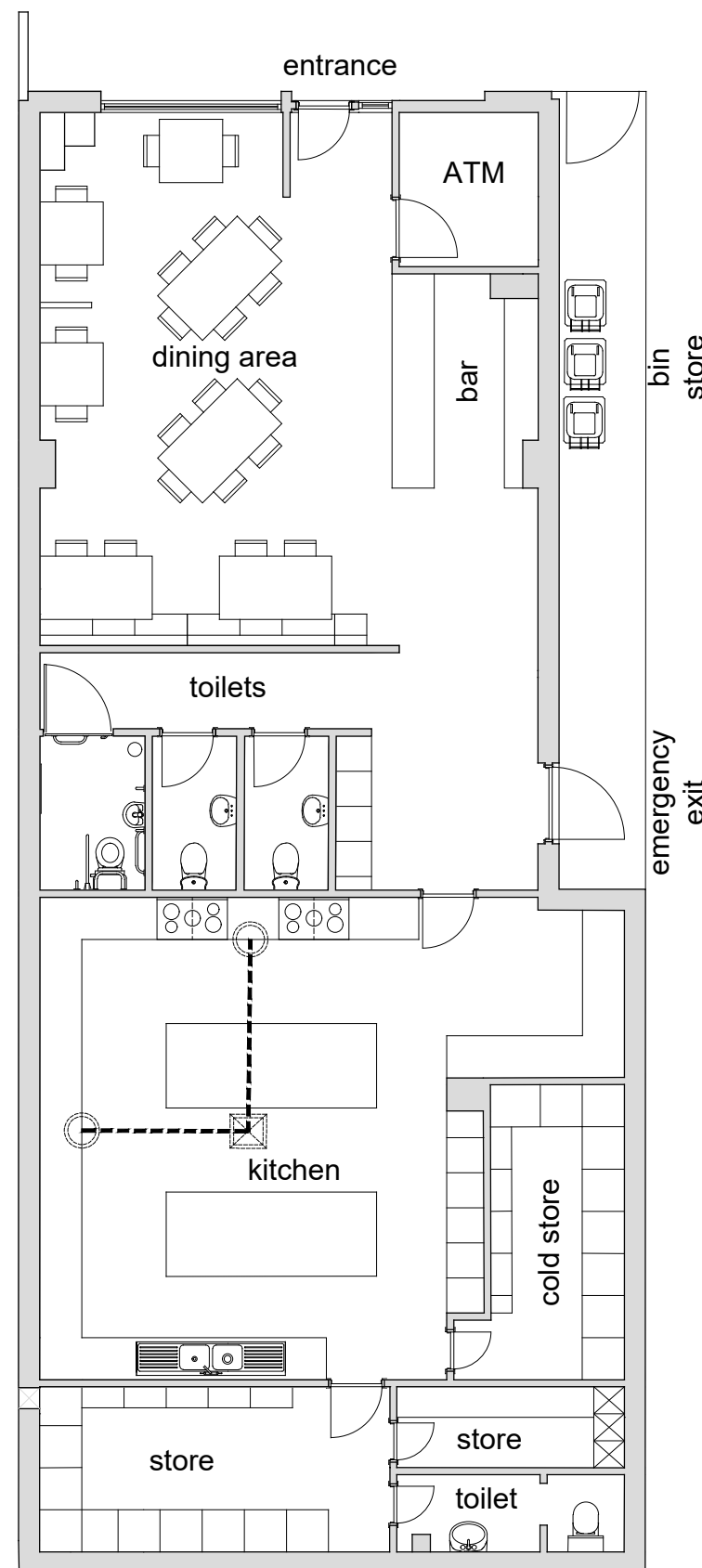
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Scale in metres at 1:100



**ITEM 12**



Rev

**Planning**

PROJECT TITLE:

**Hot Food Takeaway**

CLIENT:

**Mr S Sarwar**

LOCATION:

**Carnoustie**

DWG TITLE:

**Proposed Floor Plan**

SCALE: 1:100 @ A3    DATE: August '21    DRAWN BY: CT

DRAWING NO:

**4865-PA-05**

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Refused

Notes:  
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Scale in metres at 1:200



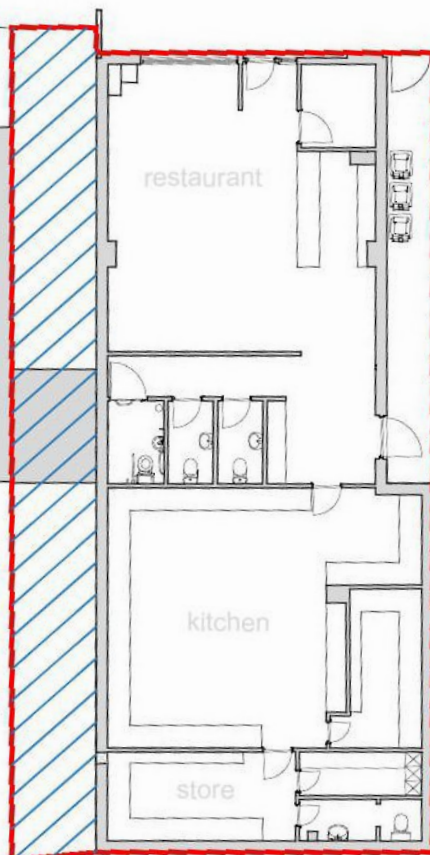
ITEM 13



Area in ownership of applicant to remain as garden ground

Refused

Refused



Rev  
Planning

PROJECT TITLE:  
Hot Food Takeaway

CLIENT:  
Mr S Sarwar

LOCATION:  
Carnoustie

DWG TITLE:  
Proposed Site Plan

SCALE: 1:200 @ A3    DATE: May 22    DRAWN BY: CT

DRAWING NO:  
**4865-PA-04**

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## Angus Council

|                                    |  |
|------------------------------------|--|
| <b>Application Number:</b>         | 21/00763/FULL  |
| <b>Description of Development:</b> | Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations |
| <b>Site Address:</b>               | 49 Barry Road Carnoustie DD7 7QQ   |
| <b>Grid Ref:</b>                   | 355104 : 734455  |
| <b>Applicant Name:</b>             | Mr Mohammed Sarwar   |

## Report of Handling

### Proposal

Planning permission is sought for the change of use and alterations to the building to form a restaurant and hot food takeaway at 49 Barry Road, Carnoustie. The building would be reconfigured internally to create a bar and dining area at the front of the premises and the existing ATM is identified as being retained. A kitchen area would be formed at the rear of the building. Externally, the elevations and roof plans show a duct / ventilation system projecting from the flat roof section of the building at the rear, by approximately 1 metre. Signage details are shown on the proposed elevations, but these would be considered under advertisement legislation. Bin and recycling storage is shown on the east side of the building. The application form indicates that the proposal would not require new or altered water supply or drainage arrangements.

49 Barry Road is a detached single storey building which occupies the majority of the site. Available information suggests it was most recently used as a financial services office (Class 2). The property is located in an area which is predominantly residential in nature, with housing located to the immediate east, south and west and on the other side of Barry Road to the north. There is also a retail/convenience store located around 30m to the east. The site incorporates an area of land to the west which appears to currently be in residential use.

The application has not been subject of variation.

### Publicity

The application was subject to normal neighbour notification procedures.

The application was advertised in the Dundee Courier on 29 October 2021 for the following reasons:

- Schedule 3 Development

The nature of the proposal did not require a site notice to be posted.

### Planning History

12/00088/FULL for Change Of Use from Household Goods Shop (Class 1) to Financial Services (Class 2) was determined as "approved subject to conditions" on 12 March 2012.

98/00290/ADV for ERECTION OF ADVERTISING SIGN was determined as "approved" on 24 April 1998.

98/00289/FULL for INSTALLATION OF ATM CASH MACHINE was determined as "approved conditionally" on 8 May 1998.

### Applicant's Case

Supporting statement:

- States that in front of the premises, there is a set back in the pavement, which provides parking for five to six cars;
- The intention is to provide a hot food takeaway with a small restaurant area, capable of catering for up to 26 people. No alterations are proposed externally, other than signage. At present, the applicant intends to retain the ATM facility. The only other external alteration will be to install a flue to provide ventilation;
- It is anticipated that the new facility will require three domestically sized wheelie bins. One for general waste, one for recycling and one for food waste;
- Provides comments on ventilation and that the extraction system is designed so that it does not cause vibration and noise;
- Refers to planning policy and states that a similar application for a hot food takeaway was recently approved at 6-8 Barry Road, Carnoustie (20/00024/FULL);
- Operational Hours - intention is to open from 12 midday until 12 midnight, seven days a week. The delivery of goods to the premises would only take place between 7am - 7pm, Monday to Saturday only.

Details of proposed ventilation have also been submitted.

## **Consultations**

**Environmental Health** - This application introduces a small restaurant/takeaway in a predominately residential area, which could potentially lead to a loss of residential amenity through odour and noise. The site is stand alone, meaning the potential for noise is reduced however the extract system discharges at a relatively low level, which increases the potential for odour issues. The applicant has included some details of the ventilation system which includes an electrostatic precipitator and carbon filters, but more information on the system is required. That information could be secured by planning condition, and conditions are also required to limit noise and the times during which the premises can be serviced. Provided those conditions are attached, environmental health offers no objection to the proposal.

**Community Council** - There was no response from this consultee at the time of report preparation.

**Roads (Traffic)** – offer no objection to the proposal but comment that to maintain the free flow of traffic on the existing public road, car parking for restaurants should be provided at the rate of 1 space per 5sqm. However, given the site constraints, off-street parking cannot be provided within the property boundaries at this site location. Existing parking lay-bys are available nearby on Barry Road, however, demand for on-street parking for residents of Barry Road is high, particularly in the evenings and night-time when the takeaway and restaurant would be open for business. This could result in the displacement of parked vehicles into the surrounding streets which will have a negative impact on the amenity of many nearby residents.

**Scottish Water** - No objections.

## **Representations**

13 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 13 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- Disruption of flow of traffic, impacts on parking and road safety
- Adverse amenity impacts cause by noise, odour and increased littering
- Increase in vermin
- Adequate provision for takeaways already exists
- Residential area unsuitable for takeaway, which should be in town centre
- Queries what will happen to the existing cash machine
- Non compliance with policies in the development plan and Advice Note 2/2018
- Queries land ownership declaration relating to land to west of site

## **Development Plan Policies**

### **Angus Local Development Plan 2016**

Policy DS1 : Development Boundaries and Priorities  
Policy DS3 : Design Quality and Placemaking  
Policy DS4 : Amenity  
Policy TC19 : Retail and Town Centre Uses  
Policy PV15 : Drainage Infrastructure  
Policy PV18 : Waste Management in New Development

### **TAYplan Strategic Development Plan**

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 1 to this report.

### **Assessment**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

Policy DS1 states that proposals for sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Policy TC19 deals with retail and town centre uses and indicates that proposals for retail and other town centre uses under 1000sqm gross floorspace on the edge of or outside of defined town centres may be required to submit relevant assessments where it is considered that the proposal may have a significant impact on the vibrancy, vitality and viability of any of the town centres in Angus. The proposed use is located outside of the defined town centre area. Having regard to the scale of the operation, it is unlikely to be a use which would result in a significant impact on the vibrancy, vitality, and viability of the town centre.

Policy DS4 indicates that development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the amenity or environment of existing or future occupiers of adjoining or nearby property. [Advice Note 2/2018](#) provides guidance in relation to the assessment of applications for hot food takeaways and restaurants. The advice note recognises that hot food takeaways and restaurants can give rise to residential amenity issues if sited in inappropriate locations and provides policy guidance on locations that may be appropriate as well as locations which are unlikely to be appropriate. It identifies potential issues relating to cooking smells, noise, litter, and traffic/parking.

The advice note indicates that the preferred location for a hot food takeaway or restaurant is within a town centre or in a mixed-use area where there are already a significant number of properties of a similar/related use. It indicates that hot food takeaways will not normally be considered acceptable in predominantly residential areas unless located within a freestanding area within a residential area which will not unduly detract from the amenity of surrounding residential properties.

The proposal relates to a vacant office unit located outside of the town centre. The property is in a location which is predominately residential in character, with residential property and garden ground surrounding the site to the east, south and west and on the other side of Barry Road to the north. There is a convenience store/ post office located approximately 30 metres to the east of the site, but other than the site itself, there are no other non-residential uses close to the site and the existing use of the site is unlikely to be one which impacts on the residential amenity of neighbouring property to any significant degree. The proposed use would occupy a building which covers most of its curtilage and there is no space surrounding the site to provide a buffer between the building and neighbouring housing and garden ground. The area around the site does not contain a significant number of properties in a similar use to a hot food takeaway or restaurant. The area is residential in character and the building is not located in a freestanding area benefiting from space between it and the nearby residential property. While the property is currently in commercial use, that use is unlikely to attract activity late into the evening. The proposal would introduce a night-time economy related use into a predominantly residential area and the



proposal does not comply with the locational guidance for hot food takeaways and restaurants set out in Advice Note 2/2018.

The applicant has indicated that they consider the proposal has locational similarities to the recently approved hot food takeaway at 6 - 8 Barry Road, Carnoustie (app [20/00024/FULL](#) refers). That premises is located around 275m to the east of this site, and is in an area which contains a mix of uses including a hotel and public bar, two convenience stores, a car repair garage and a taxi office (amongst other things). That area already contained a night-time economy related use and as such it is not considered to represent a reasonable comparison to the circumstances which affect consideration of this application.

Environmental health has been consulted on the proposal. They note that while the proposal could potentially lead to a loss of residential amenity through odour and noise, they are satisfied those impacts could be regulated by planning conditions requiring full details of the extraction system, introducing noise limits for ventilation plant, and restricting the hours during which the premises could be serviced by delivery vehicles. In relation to litter, the advice note recognises that the dropping of litter by customers is outwith the control of the proprietor and is controlled by other regulatory regimes. The provision of bins for customer waste could be secured by planning condition.

In terms of access and parking, the site is reasonably accessible on foot to a relatively large residential population and not all customers would access the site via private vehicle. The roads service indicates that while no car parking would be provided within the site, existing car parking lay-bys are available nearby on Barry Road. They do however caution that the demand for on street parking for residents of Barry Road is high, particularly in the evenings and night-time when the takeaway and restaurant would be open for business. Roads has indicated that this could result in the displacement of parked vehicles into the surrounding streets which could have a negative impact on the amenity of nearby residents.

The residential nature of the area is such that this is a location which is likely to be reasonably sensitive to the introduction of a night time economy use. The proposed use is likely to result in increased movement of customers travelling to and from the premises and congregating in its vicinity late in the evening. While it is acknowledged that the site is on a reasonably busy public road and there is a retail premises to the east which would attract visiting customers, the level of activity and noise generated by the road and the retail premises is likely to be reduced late in the evening. It would not be desirable to introduce a use which generates late night activity with associated noise into a predominantly residential area, and the proposal is likely to adversely impact on the residential amenity of those that live close to the site. While consultees are satisfied that technical matters relating to odour and noise generated by plant at the premises can be regulated, there is no effective mitigation for impacts associated with increased movement of customers travelling to and from the premises and congregating in its vicinity late in the evening.

The proposal is contrary to the locational guidance for hot food takeaways and restaurants detailed in Advice Note 2/2018. It would introduce a night-time economy related use into a predominantly residential area and the proposed use is likely to result in increased movement of customers travelling to and from the premises and congregating in its vicinity late in the evening, with the potential to significantly impact on the amenity of those that live close to the site. The proposal would adversely impact on amenity and it is not considered to be of an appropriate scale and nature for this location. As a result, the proposal is contrary to policies DS1 and DS4.

In relation to material considerations, it is relevant to note that representations have been submitted in relation to the proposal. The representations are material in so far as they relate to relevant planning matters and have been taken into account in the preparation of this report.

The roads service has been consulted on the proposal and has offered no objection in relation to road safety issues. Issues relating to amenity and the suitability of the location in respect of council policy and guidance are addressed above and having regard to that policy and guidance it is considered that this is an unsuitable location for the proposed development. Concerns relating to waste management and a potential increase in vermin are noted but it is considered that the proposal could provide suitable waste management arrangements. Concerns relating to the over provision of takeaways are noted but the determining issue is whether the proposal complies with development plan policy and whether there are any material considerations which justify a departure from that policy. Development plan policy seeks to

ensure that this type of development is directed to suitable locations, with priority given to locations in town centres or other suitable mixed-use areas which do not adversely impact on residential amenity. It is understood that the cash machine currently housed in the building would be retained. The concern that the strip of land to the west of the building and within the site is outwith the applicant's ownership was raised with the applicant. The applicant's contention is that they own all of the land within the site. It is an applicant's responsibility to ensure that the land ownership certificate and notifications have been completed correctly. Notwithstanding this, the applicant indicated that there is no intention for the area of land to the west of the building to be changed and has indicated that it would remain as garden ground. An additional drawing (drawing number 4865-PA-04 refers) was submitted to confirm this.

Paragraph 33 of Scottish Planning Policy states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. In this case TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. The policies contained in the ALDP are generally consistent with TAYplan and SPP and are therefore considered to provide an appropriate basis for the determination of this application.

The proposal is contrary to the locational guidance for hot food takeaways and restaurants detailed in Advice Note 2/2018. It would introduce a night-time economy related use into a predominantly residential area and the proposed use is likely to result in increased movement of customers travelling to and from the premises and congregating in its vicinity late in the evening, with the potential to significantly impact on the amenity of those that live close to the site. The proposal would adversely impact on amenity and it is not considered to be of an appropriate scale and nature for this location. As a result, the proposal is contrary to policies DS1 and DS4 of the Angus Local Development Plan (2016). There are no material considerations that justify the approval of planning permission.

### **Human Rights Implications**

The decision to refuse this application has potential implications for the applicant in terms of his entitlement to peaceful enjoyment of his possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying the decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. Any interference with the applicant's right to peaceful enjoyment of his possessions by refusal of the present application is in compliance with the Council's legal duties to determine this planning application under the Planning Acts and such refusal constitutes a justified and proportionate control of the use of property in accordance with the general interest and is necessary in the public interest with reference to the Development Plan and other material planning considerations as referred to in the report.

### **Decision**

The application is refused

### **Reason(s) for Decision:**

1. The proposal does not comply with the locational guidance for the siting of hot food takeaways and restaurants provided in Angus Council Advice Note 2/2018 and would introduce a night-time economy related use into a predominantly residential area resulting in adverse impacts on the residential amenity of those that live close to the site. The proposal is not considered to be of a nature or scale appropriate to its location and would adversely impact on residential amenity is contrary to policies DS1 and DS4 of the Angus Local Development Plan (2016) and the locational guidance contained within Angus Council Advice Note 2/2018.

### **Notes:**

Case Officer: James Wright  
Date: 9 May 2022

### **Appendix 1 - Development Plan Policies**

## **Angus Local Development Plan 2016**

### Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

### Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- o Distinct in Character and Identity: Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- o Safe and Pleasant: Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- o Well Connected: Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- o Adaptable: Where development is designed to support a mix of compatible uses and accommodate changing needs.
- o Resource Efficient: Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

#### Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

#### Policy TC19 : Retail and Town Centre Uses

Proposals for retail and other town centre uses\* over 1000 m2 gross floorspace (including extensions) on the edge of or outside of defined town centres (including in out of town locations) will be required to submit relevant assessments (including retail/town centre impact and transport assessments) and demonstrate that the proposal:

- o has followed a sequential approach to site selection, giving priority to sites within the defined town centre before edge of centre, commercial centre or out of centre sites which are, or can be made accessible;
- o does not individually or cumulatively undermine the vibrancy, vitality and viability of any of the town centres identified in Table 2 in Angus;
- o tackles deficiencies in existing provision, in qualitative or quantitative terms; and
- o is compatible with surrounding land uses and there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for retail and other town centre uses<sup>8</sup> under 1000 m2 gross floorspace (including extensions) on the edge of or outside of defined town centres may be required to submit relevant assessments (including retail / town centre impact, transport and sequential assessments) where it is considered that the proposal may have a significant impact on the vibrancy, vitality and viability of any of the town centres in Angus.

\*Town centre uses include commercial leisure, offices, community and cultural facilities.

#### Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

\*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(SCOTLAND)  
REGULATIONS 2013



PLANNING PERMISSION REFUSAL  
REFERENCE : 21/00763/FULL

To **Mr Mohammed Sarwar**  
c/o LJRH  
Chartered Architects  
18 South Tay Street  
DUNDEE  
DD1 1PD

With reference to your application dated 22 October 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Change of use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations at 49 Barry Road Carnoustie DD7 7QQ for Mr Mohammed Sarwar**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Refuse Planning Permission (Delegated Decision)** for the said development in accordance with the particulars given in the application and plans docketed as relative hereto in paper or identified as refused on the Public Access portal.

**The reasons for the Council's decision are:-**

1. The proposal does not comply with the locational guidance for the siting of hot food takeaways and restaurants provided in Angus Council Advice Note 2/2018 and would introduce a night-time economy related use into a predominantly residential area resulting in adverse impacts on the residential amenity of those that live close to the site. The proposal is not considered to be of a nature or scale appropriate to its location and would adversely impact on residential amenity and is contrary to policies DS1 and DS4 of the Angus Local Development Plan (2016) and the locational guidance contained within Angus Council Advice Note 2/2018.

**Amendments:**

The application has not been subject of variation.

Dated this **16 May 2022**

Jill Paterson  
Service Lead  
Planning and Sustainable Growth  
Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN

## Planning Decisions – Guidance Note

**Please retain – this guidance forms part of your Decision Notice**

You have now received your Decision Notice. This guidance note sets out important information regarding appealing or reviewing your decision. There are also new requirements in terms of notifications to the Planning Authority and display notices on-site for certain types of application. You will also find details on how to vary or renew your permission.

**Please read the notes carefully to ensure effective compliance with the new regulations.**

### DURATION

This permission will lapse 3 years from the date of this decision, unless there is a specific condition relating to the duration of the permission or development has commenced by that date.

## PLANNING DECISIONS

### Decision Types and Appeal/Review Routes

The 'decision type' as specified in your decision letter determines the appeal or review route. The route to do this is dependent on the how the application was determined. Please check your decision letter and choose the appropriate appeal/review route in accordance with the table below. Details of how to do this are included in the guidance.

| Determination Type                                  | What does this mean?  | Appeal/Review Route  |
|---|---|--|
| <b>Development Standards Committee/Full Council</b> | National developments, major developments and local developments determined at a meeting of the Development Standards Committee or Full Council whereby relevant parties and the applicant were given the opportunity to present their cases before a decision was reached. | <b>DPEA (appeal to Scottish Ministers)</b><br>–<br><b>See details on attached Form 1</b> |
| <b>Delegated Decision</b>                           | Local developments determined by the Service Manager through delegated powers under the statutory scheme of delegation. These applications may have been subject to less than five representations, minor breaches of policy or may be refusals.                            | <b>Local Review Body –</b><br><b>See details on attached Form 2</b>                      |
| <b>Other Decision</b>                               | All decisions other than planning permission or approval of matters specified in condition. These include decisions relating to Listed Building Consent, Advertisement Consent, Conservation Area Consent and Hazardous Substances Consent.                                 | <b>DPEA (appeal to Scottish Ministers)</b><br>–<br><b>See details on attached Form 1</b> |

## NOTICES

### **Notification of initiation of development (NID)**

Once planning permission has been granted and the applicant has decided the date they will commence that development they must inform the Planning Authority of that date. The notice must be submitted before development commences – failure to do so would be a breach of planning control. The relevant form is included with this guidance note.

### **Notification of completion of development (NCD)**

Once a development for which planning permission has been given has been completed the applicant must, as soon as practicable, submit a notice of completion to the planning authority. Where development is carried out in phases there is a requirement for a notice to be submitted at the conclusion of each phase. The relevant form is included with this guidance note.

### **Display of Notice while development is carried out**

For national, major or 'bad neighbour' developments (such as public houses, hot food shops or scrap yards), the developer must, for the duration of the development, display a sign or signs containing prescribed information.

The notice must be in the prescribed form and:-

- displayed in a prominent place at or in the vicinity of the site of the development;
- readily visible to the public; and
- printed on durable material.

A display notice is included with this guidance note.

Should you have any queries in relation to any of the above, please contact:

Angus Council  
Angus House  
Orchardbank Business Park  
Forfar  
DD8 1AN

Telephone 01307 492076 / 492533  
E-mail: [planning@angus.gov.uk](mailto:planning@angus.gov.uk)  
Website: [www.angus.gov.uk](http://www.angus.gov.uk)





## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)**

### **The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 1**

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided by Angus Council*

1. If the applicant is aggrieved by the decision of the planning authority-

- a) to refuse permission for the proposed development;
- b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers to review the case under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of appeal should be addressed to The Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. Alternatively you can submit your appeal directly to DPEA using the national e-planning web site <https://eplanning.scotland.gov.uk>.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED)

### The Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2013 – Schedule to Form 2

*Notification to be sent to applicant on refusal of planning permission  
or on the grant of permission subject to conditions decided through  
Angus Council's Scheme of Delegation*

1. If the applicant is aggrieved by the decision of the planning authority-
  - a) to refuse permission for the proposed development;
  - b) to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
  - c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The notice of review should be addressed to Committee Officer, Angus Council, Resources, Legal & Democratic Services, Angus House, Orchardbank Business Park, Forfar, DD8 1AN.

A Notice of Review Form and guidance can be found on the national e-planning website <https://eplanning.scotland.gov.uk>. Alternatively you can return your Notice of Review directly to the local planning authority online on the same web site.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# PLANNING **Your experience with Planning**

Please indicate whether you agree or disagree with the following statements about your most recent experience of the Council's handling of the planning application in which you had an interest.

**Q.1 I was given the advice and help I needed to submit my application/representation:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.2 The Council kept me informed about the progress of the application that I had an interest in:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.3 The Council dealt promptly with my queries:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.4 The Council dealt helpfully with my queries:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.5 I understand the reasons for the decision made on the application that I had an interest in:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**Q.6 I feel that I was treated fairly and that my view point was listened to:-**

|                          |                          |                                   |                          |                          |                          |
|--------------------------|--------------------------|-----------------------------------|--------------------------|--------------------------|--------------------------|
| <b>Strongly Agree</b>    | <b>Agree</b>             | <b>Neither Agree nor Disagree</b> | <b>Disagree</b>          | <b>Strongly Disagree</b> | <b>It does not apply</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**OVERALL SATISFACTION:** Overall satisfaction with the service: .....

**Q.7 Setting aside whether your application was successful or not, and taking everything into account, how satisfied or dissatisfied are you with the service provided by the council in processing your application?**

|                          |                          |   |                            |                          |
|--------------------------|--------------------------|---|----------------------------|--------------------------|
| <b>Very satisfied</b>    | <b>Fairly satisfied</b>  | <b>Neither Satisfied nor Dissatisfied</b> | <b>Fairly Dissatisfied</b> | <b>Very Dissatisfied</b> |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>                  | <input type="checkbox"/>   | <input type="checkbox"/> |

**OUTCOME:** Outcome of the application:

**Q.8 Was the application that you had an interest in:-**

|                            |                          |                            |                          |           |                          |
|----------------------------|--------------------------|----------------------------|--------------------------|-----------|--------------------------|
| Granted Permission/Consent | <input type="checkbox"/> | Refused Permission/Consent | <input type="checkbox"/> | Withdrawn | <input type="checkbox"/> |
|----------------------------|--------------------------|----------------------------|--------------------------|-----------|--------------------------|

**Q.9 Were you the:-**

|           |                          |       |                          |  |                          |
|-----------|--------------------------|-------|--------------------------|--|--------------------------|
| Applicant | <input type="checkbox"/> | Agent | <input type="checkbox"/> | Third Party objector who made a representation | <input type="checkbox"/> |
|-----------|--------------------------|-------|--------------------------|--|--------------------------|

Please complete the form and return in the pre-paid envelope provided.  
Thank you for taking the time to complete this form.

**FURTHER LODGED REPRESENTATIONS**

**From:** [REDACTED]  
**To:** [Sarah Forsyth](mailto:Sarah.Forsyth@angus.gov.uk)  
**Subject:** Re: Application for Review - 49 Barry Road Carnoustie  
**Date:** 09 August 2022 00:11:54  
**Attachments:** [Sarah Forsyth Aug2022.docx](#)

---

Dear Sarah

Please find attached our letter for the review committee.

Best wishes  
Carol Urquhart

---

**From:** Sarah Forsyth <ForsythSL@angus.gov.uk>  
**Sent:** 26 July 2022 13:35  
**Subject:** Application for Review - 49 Barry Road Carnoustie

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Refusal of Planning Permission for Change of Use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations at 49 Barry Road, Carnoustie – Mr M Sarwar**  
**Application No 21/00763/FULL - DMRC-9-22**

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)  
| [www.angus.gov.uk](http://www.angus.gov.uk)  
Work pattern: Mon, Tues (am) & Thurs

Follow us on Twitter  
Visit our Facebook page

Think green – please do not print this email

7 August 2022

Sarah Forsyth  
Committee Officer  
Angus Council

Dear Sarah

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Refusal of Planning Permission for Change of Use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations at 49 Barry Road, Carnoustie – Mr M Sarwar**  
**Application No 21/00763/FULL - DMRC-9-22**

Further to your email of 26 July 2022, we would like to comment on the application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth.

We note that the supporting documents make reference to other local premises situated along Barry Road, but we would like to note the operating hours of these premises. Individuals making use of these shops/companies are not normally taking up parking spaces, which are limited as it is, for a lengthy period of time.

We do not feel that an ATM is a necessity or grounds for considering this application, as the footfall for people using ATMs has decreased considerably. There are a number of local ATMs should individuals require them.

In reference to the number of Hot Food Takeaways at the East End of Carnoustie, we would argue that these are well situated within the town centre and most offer delivery services at no extra charge.

The residents of Barry Road have made their feelings regarding this application abundantly clear and do not feel there is a need for such an establishment at 49 Barry Road. Surely the numerous objections from local families should be an indication that this type of establishment would not enhance the area nor is it a requirement.

This continual lengthy process has caused much stress and worry to our family. If this was to be approved it could have a significant effect on the value of housing in the area, never mind the delivery vans, takeaway delivery vehicles, the pollution, smells, noise and parking problems to note only a few.

We trust that you will once again, seriously take the local residents opinions and feelings into account when considering this appeal.

Yours sincerely

Carol & Gordon Urquhart

**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** Restaurant review  
**Date:** 30 July 2022 10:47:24

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Sarah, I am writing to express my disappointment at the review requested mr. Sarwar concerning the plans to change 49 Barry Road into a restaurant and hot food takeaway. I live next to the above address ( no 47) and I think it would affect my living conditions in a big way. My wife and I are Bothe mid seventies having lived for over 30 year-end we have had our fair share of people hanging about outside the shop before. I am concerned about people standing outside the take away maybe having had a few drinks, shouting and using my garden as toilet as it was before, Was constantly calling the police for minor disturbances. We will obviously have a parking situation by visitors to the restaurant.the area was deemed unsuitable for a food outlet so we will have all the problems as before with the smell from the kitchens and there might even be a problem with vermin So with that in mind I hope permission is refused again Douglas Balbirnie 47 Barry Road thank you



**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** Application for Review 49 Barry Road Carnoustie  
**Date:** 05 August 2022 20:00:38

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**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**

**Application for Review – Refusal of Planning Permission for Change of Use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations at 49 Barry Road, Carnoustie – Mr M Sarwar**

**Application No 21/00763/FULL - DMRC-9-22**

Thanks you for allowing me to comment on the Application for Review against Refusal of Planning Permission for the property at 49 Barry Road Carnoustie . The owner in part of his appeal notes that the Roads Department noted No Comment but failed to note the comments that followed that statement where they noted that to maintain free flow of traffic a restaurant should have a nuneber of parking spaces per m2 of floor are and that as on street parking on Barry Road outwith the working day is at a premium the lack of parking for the restaurant would excaserbate the current traffic situation on Barry Road causing overspill into surrounding streets to the detriment of the amenity of the residents in the area, Also as the Planning Officer notes there ls non compliance with policies in the Development Pland and Advice note 2/2018. In his note lettered i he writes ' Policy DC1 appears to be supportive of the development' - I put forward that it either supports or is unsupportive and it cannot 'seem' to support the application.

Regards


Jim Clark  
Glester Cottage  
Carmyllie  
DD11 2QY

**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** 49 Barry Road  
**Date:** 07 August 2022 08:42:55

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Still very much against this on a residential area. At present it is a very busy road and not enough parking spaces as is. Also worry about rubbish with some people disregard for tidyness and throwing away remains of takeaway meals in the street. But congestion is a big worry.

Sent from my Galaxy

**From:**   
**To:** [Sarah Forsyth](mailto:Sarah.Forsyth@angus.gov.uk)  
**Subject:** Re: Application for Review - 49 Barry Road Carnoustie  
**Date:** 28 July 2022 16:29:57

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My opinion has not changed regarding the development of a fast food take away in the premises at the back of my garden.  
Noise, smells, loitering, traffic, parking, rubbish, seagulls are the first reasons off the top of my head that would upset a predominantly residential area.

Yours Sincerely,

J. Horsburgh

On Tue, 26 Jul 2022, 13:35 Sarah Forsyth, <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)> wrote:

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**

**Application for Review – Refusal of Planning Permission for Change of Use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations at 49 Barry Road, Carnoustie – Mr M Sarwar**

**Application No 21/00763/FULL - DMRC-9-22**

I refer to the above planning application and your lodged representations to that application.

I write to advise you that the applicant has made an application for a review of the decision taken by the Service Lead – Planning and Sustainable Growth. This is a process brought in by the above legislation to enable applicants dissatisfied with a decision of the Planning Authority to ask for it to be reviewed. This review will be made by Angus Council's Development Management Review Committee. A copy of the Council's Decision Notice is attached for your information.

In accordance with the above Regulations, I am required to ask you if you wish to make any further representations. The Review Committee will be given copies of your original representation. If you do wish to do so, you have 14 days from the date of receipt of this email to make such representations. **These should be sent directly to me.**

The applicant will then be sent a copy of these representations and the applicant will be entitled to make comments on them. These comments will also be placed before the Review Committee when it considers the review.

I can also advise that a copy of the Notice of Review and other documents related to the review can be viewed by contacting me directly.

In the meantime, should you have any queries please do not hesitate to contact me.

Kind regards

Sarah

Sarah Forsyth | Committee Officer | Angus Council | T: 01307 491985 | [ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)  
| [www.angus.gov.uk](http://www.angus.gov.uk)

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**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** Re: Application for Review - 49 Barry Road Carnoustie  
**Date:** 01 August 2022 17:05:38

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Hi, my husband and I are still objecting to the plans. We do not want vermin etc in our garden

Regards Tracy Monteith

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**From:** Sarah Forsyth <ForsythSL@angus.gov.uk>  
**Sent:** Tuesday, July 26, 2022 1:35:26 PM  
**Subject:** Application for Review - 49 Barry Road Carnoustie

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**  
**Application for Review – Refusal of Planning Permission for Change of Use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations at 49 Barry Road, Carnoustie – Mr M Sarwar**  
**Application No 21/00763/FULL - DMRC-9-22**

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Kind regards

Sarah

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| [www.angus.gov.uk](http://www.angus.gov.uk)  
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**From:** [REDACTED]  
**To:** [Sarah Forsyth](#)  
**Subject:** Re: Application for Review - 49 Barry Road Carnoustie  
**Date:** 07 August 2022 22:43:04  
**Attachments:** [image.png](#)  
[image.png](#)  
[image.png](#)

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## **Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**

### **Application for Review – Refusal of Planning Permission for Change of Use from Office to a Restaurant and Hot Food Takeaway and Associated Alterations at 49 Barry Road, Carnoustie – Mr M Sarwar**

#### **Application No 21/00763/FULL - DMRC-9-22**

Thank you for the opportunity to comment on the above.

In the appellants supporting statement it is noted that the premises was previously a shop for a considerable time from the 1950's until it became a Financial Service office premises - a retail premises such as a shop does not in our opinion compare with a Takeaway/Restaurant where long term parking during meal service is prevalent. He also notes the loss of the ATM and suggests it would be a loss to the area but considering there are currently three ATM's at the Co-op store near the Corner Hotel, Spar Supermarket at 43 Barry Road and Carnoustie Convenience Store at Ravensby Park Gardens all within a relatively short walking distance, we contend that the appeal using this argument fails.

The Appeal Supporting Statement refers in paragraph 2 to the Policies DS1 and DS4 of the Angus Local Development Plan and we would refer to the Report of Handling issued by Angus Council dated 9 May 2022 and within that the Assessment by the Council Officer regarding Policy DS1, TC18 and DS4 and in particular his comments on the introduction of a night time economy into a primarily residential area. We would also draw your attention to his comments regarding Advice Note 2/2018.

In paragraph 2a of the Supporting Statement it notes that the Spar has a larger floor area and uses that as comparison along with its use as a Post Office along with its sale of wines and spirits but we contend that the Spar is a retail premises and bears no comparison to a Takeaway/Restaurant premises.

In paragraph 2b the appellant raises the approval for The Steeple Chip Shop but we understand the an applicant cannot use another application to support their own application. However The Steeple Chip Shop is a Takeaway only with subsequent passing traffic unlike a restaurant with vehicles parking for extended periods of time.

In paragraph 2c the appellant is contending that there is a shortage of takeaways in the east end of Carnoustie but overlooks the overall overprovision throughout Carnoustie and that there are two in the area - the aforementioned Steeple Chip Shop and the Belmonte both takeaways plus the Corner Hotel has a sit in meal service with car parking.

In paragraph 2d the Environmental Health does acknowledge that the premises introduces a small restaurant/takeaway into a predominantly residential area which could lead to a loss of amenity through odour and noise which we contend is a crucial argument for refusal of the application. There is also the question of ventilation from the premises which would vent in very close proximity to bedroom windows in our property and would also be obvious within our garden area which

is to the detriment of the peaceful enjoyment of our property.

In paragraph 2f it states that the roads department offered no objections but fails to take note of their comments:

*"offer no objection to the proposal but comment that to maintain the free flow of traffic on the existing public road, car parking for restaurants should be provided at the rate of 1 space per 5sqm. However, given the site constraints, off-street parking cannot be provided within the property boundaries at this site location. Existing parking lay-bys are available nearby on Barry Road, however, demand for on-street parking for residents of Barry Road is high, particularly in the evenings and night-time when the takeaway and restaurant would be open for business. This could result in the displacement of parked vehicles into the surrounding streets which will have a negative impact on the amenity of many nearby residents."*

At the rate of 1 space per 5sqm this would indicate around 20 plus spaces would require to be accommodated using on street parking on an already busy thoroughfare to the detriment of the amenity of the nearby residents.

In paragraph 2h the appellant notes "that the proposal is in keeping with sporadic nature of the retail units along the Barry Road"; we again contend that this is not a retail premises but a Takeaway/Restaurant and the contention that the toilet block is included when it has been closed for considerable time is out of context. Boots we would contend is inextricably linked to the Health Centre and is a specialised retail premises. Carnoustie Tyres is again related exclusively to the motor trade and is therefore in our view not a retail premises in the sense that the appellant contends and that these three premises are therefore not in competition with the appellant and should be excluded from consideration in the appeal. With regards to the Co-op, Spar (which does have limited takeaway of hot and cold drinks along with hot savouries), Carnoustie Convenience Store and the Premier Store they are primarily retail food shops with a licence to sell alcohol between 10am and closing time which has to be consumed off the premises and therefore not relevant to the application.

In paragraph 2g the Case Officer did note that the proposal would introduce a night time economy into a mainly residential area to the detriment of the surrounding residents, he also noted that there were various Planning Notes particularly 2/2018 which supports refusal of the application.

A further concern is that the applicant intends that loading and unloading of supplies would be between 7am and 7pm and the premises would be open 12 noon until 12 midnight which equates to a potential 19 hour operating day 7 days a week. Development should not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

We attach photographs taken from the north side of Barry Road showing clearly the relationship of 49 Barry Road to our property at 51 Barry Road and the area of ground between the properties that we own irrespective of any notes on any drawings.

Finally regarding ground ownership, the appellants drawing number 4865/PA/04 dated May 2022 shows a strip of ground hatched which is claimed to be in the ownership of the applicant; we contend this claim is false and our Solicitors have written to Mr Sarwar's agent to clarify the matter so we suggest the review of the appeal should be delayed for consideration until this matter is resolved.



Kind regards  
Steve & Vicky Scott

51 Barry Road  
Carnoustie  
DD7 7QQ





On 26/07/2022 13:35 Sarah Forsyth <forsythsl@angus.gov.uk> wrote:

Dear Sir/Madam

**Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013**

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**From:** [REDACTED]  
**To:** [Sarah Forsyth](mailto:ForsythSL@angus.gov.uk)  
**Subject:** Re: Application for Review - 49 Barry Road  
Carnoustie  
**Date:** 28 July 2022 14:05:46

---

I still do not want to go ahead with the restaurant/takeaway..my son has Autism..he has sensory issues..there would be too much noise/smells etc..The building is just right down at the bottom of my garden. Also there would be a lot of building work to get done.Thank you

Sent from the Connect for Hotmail app

On Tue, Jul 26, 2022 at 1:35PM GMT+01:00,  
"Sarah Forsyth" <[ForsythSL@angus.gov.uk](mailto:ForsythSL@angus.gov.uk)>  
wrote:

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