

**ANGUS COUNCIL**

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 21 NOVEMBER 2022**

**96 DUNDEE STREET, 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 diner and play centre to restaurant and hot food takeaway including alterations and extension to building, application No 22/00041/FULL, at 96 Dundee Street, 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.

List of Appendices:

Appendix 1 – Submission by Planning Authority

Appendix 2 – Submission by Applicant

Appendix 3 – Further Lodged Representations

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

**APPLICATION NUMBER – 22/00041/FULL**

**APPLICANT- MR MUNAWAR MOHAMMED**

**PROPOSAL & ADDRESS – CHANGE OF USE FROM DINER AND PLAY CENTRE TO RESTAURANT AND HOT FOOD TAKEAWAY INCLUDING ALTERATIONS & EXTENSION TO BUILDING AT 96 DUNDEE STREET CARNOUSTIE**

**CONTENTS**

<b>AC1</b>	<b>Report of Handling</b>	
	<b>Policy Tests (Angus Local Development Plan 2016)</b>	
	<p>Policy DS1, DS3, DS4, TC19, PV15 &amp; PV18</p> <p>Design Quality &amp; Placemaking Supplementary Guidance –  <a href="https://www.angus.gov.uk/media/design_quality_and_placemaking_supplementary_guidance">https://www.angus.gov.uk/media/design_quality_and_placemaking_supplementary_guidance</a></p> <p>Planning Advice Note: 2/2018 – Hot Food Takeaways  <a href="https://www.angus.gov.uk/sites/default/files/2018-04/Hot%20Food%20Takeaways_2.pdf">https://www.angus.gov.uk/sites/default/files/2018-04/Hot%20Food%20Takeaways_2.pdf</a></p> <p>Angus Local Development Plan  <a href="https://www.angus.gov.uk/sites/default/files/Angus%20local%20development%20plan%20adopted%20September%202016.pdf">https://www.angus.gov.uk/sites/default/files/Angus%20local%20development%20plan%20adopted%20September%202016.pdf</a></p> <p>Angus Local Development Plan – Proposals Map  <a href="https://www.angus.gov.uk/sites/default/files/2021-09/Proposals%20Map.pdf">https://www.angus.gov.uk/sites/default/files/2021-09/Proposals%20Map.pdf</a></p>	
	<b>Consultation Responses</b>	
<b>AC2</b>	Scottish Water – 16.02.22	
<b>AC3</b>	Roads Traffic – 21.02.22	
<b>AC4</b>	Environmental Health – 21.03.22	
<b>AC5</b>	Archaeology – 25.02.22	

	<b>Letters of Representations</b>	
<b>AC6</b>	Mrs Mary McWattie - 22.02.22	
<b>AC7</b>	Kirstie Braid – 23.02.22	
<b>AC8</b>	Mrs Patricia Boyd – 23.02.22	
<b>AC9</b>	Ian Turner - 27.02.22	
<b>AC10</b>	Mr Peter Silvers - 27.02.22	
<b>AC11</b>	Mr Sean Boyd – 01.03.22	
	<b>Application Drawings</b>	
<b>AC12</b>	Refused Location Plan	
<b>AC13</b>	Refused Drawings	
	<b>Further Information Relevant to Assessment</b>	
<b>AC14</b>	Site Photos and Aerial & 3D images	
<b>AC15</b>	Refused Decision Notice	
<b>AC16</b>	Decision Notice for 11/00916/FULL	
<b>AC17</b>	E-mail with comments from agent dated 30/05/22	
	<b>Supporting Information</b>	
<b>AC18</b>	Design Statement	

## Angus Council

<b>Application Number:</b>	22/00041/FULL
<b>Description of Development:</b>	Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building
<b>Site Address:</b>	96 Dundee Street Carnoustie DD7 7PH
<b>Grid Ref:</b>	355826 : 734545
<b>Applicant Name:</b>	Mr Munawar Mohammed

## Report of Handling

### Site Description

96 Dundee Street is a detached single storey building which occupies the majority of its curtilage, with external areas to the west and north west. The application form indicates that the property was most recently used as a diner and play centre. The property is located in an area which is predominantly residential in character, with housing located to the immediate east, north and west. To the south beyond Dundee Street is supported housing at Kinloch Court. There is a retail unit (furniture showroom) located around 24m to the east at 90 Dundee Street, and to the north of that shop is the Royal British Legion at 88 Dundee Street.

### Proposal

Planning permission is sought for the change of use of the building to form a restaurant in the eastern and northern parts of the building, and a separate hot food takeaway in the south western part of the building. The proposal includes alterations and extensions to the building. The building would be reconfigured and extended to create an area of around 168sqm for the restaurant and an area of around 109sqm for the hot food takeaway. Both uses would be accessed directly off Dundee Street to the south.

Externally, the south elevation would be altered to create a new frontage with large areas of glazing added. A new mechanical extraction system is proposed on a flat roof part of the building to the north. The roof plans show a duct / ventilation system projecting from the flat roof section of the building at the rear, by approximately 0.9 metres. On the north side of the building an existing enclosure would have a roof added to form covered stores for the restaurant and this covered area would be extended to the west to provide covered stores for the takeaway. On the west elevation a small extension would be removed with openings blocked up and finished in a render to match the existing, with new vents added on the walls. Signage details are shown on the proposed elevations, but these would be considered separately under advertisement legislation. Bin and recycling storage is shown.

The application form indicates that the proposal would connect to the public drainage network and public water supply and that SUDS would not be provided.

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 18 February 2022 for the following reasons:

- Schedule 3 Development

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

## Planning History

11/00916/FULL for change of use from public house (sui generis) to holistic centre coffee/retail shop toddler play area (class 1 & 10) selling sandwiches and snacks was determined as "approved subject to conditions" on 29 December 2011. A planning condition attached to that permission indicated:-

*There shall be no cooking, heating or reheating equipment on the premises other than toasters, soup urns, microwave ovens or other sealed oven units. Specifically there shall be no equipment for frying or for the preparation of food on a hot plate unless otherwise approved in writing by the planning authority.*

*Reason: In order to clarify the terms of this planning permission and in the interests of the amenity of neighbouring properties.*

## Applicant's Case

Supporting statement:

- States that the building is vacant at present. The two businesses would be separate and each would operate independently.
- States that the building is located on a busy street serving existing commercial businesses.
- The servicing of the restaurant will use the existing driveway on the east side of the building as it has done for a number of years now. Deliveries can park off-street. Waste removal will occur from a new dedicated store on the east side of the building, far removed from the residential property behind. The takeaway unit will have its storage and waste store on the west side of the property.
- The restaurant would have seating for 34 persons and both businesses will create jobs;
- There is no car parking dedicated to this property. The building is located on bus routes and is within easy walking distance of housing.
- The site is noted as being of Medium Risk on the SEPA surface water map although there are no instances of flooding occurring. The site does not feature on the SEPA Future River Flooding Risk.
- There are no trees on the site and there are no areas of soft planting.
- Noise should not be an issue at this site as the activities proposed do not generate unacceptable levels and the access to both businesses are located away from the adjacent housing.
- The kitchens will be provided with new, high level extraction equipment designed to meet the standard of odour control as laid down by Angus Council.
- The property was previous a fish and chip shop.

Additional statement:-

1. The property is an existing restaurant which presumably means that that element of this application is not contentious.
2. The hot food takeaway is surely an extension of this existing restaurant use. I note environmental health comments whereby they requests full details of the noise and odour abatement as conditions attached to a consent and we would provide these in order to prevent any reduction in the amenity of the surrounding properties, as we have done in previous similar situations.
3. There is no intention of introducing a facility which would impact on the 'night-time economy'. The hot food takeaway would close at 11.00pm at the latest.
4. There is no intention to use live music on these premises.
5. Whilst there is no off-street car parking, the restaurant operated using on street parking which is permitted. Dundee Street is a major thoroughfare through the commercial centre of Carnoustie and the introduction of a hot food takeaway is not going to impact on the use of this road. Similarly, the pavement width meets the standard of your guidance. Litter can be controlled through the placement of litter bins at each end of the property.

## Consultations

**Environmental Health (Arbroath)** - This application introduces a new restaurant and hot food takeaway into a site which had an existing soft play centre and café. The existing café had planning conditions

limiting the cooking of food, therefore there would have been no impact to residential amenity through odour. This application could potentially change this and Environmental Health has concerns about the proximity of receptors and the fact the discharge will by necessity be of a low level. This will require a very high level of abatement and no details have been provided by the applicant. Environmental Health has requested planning conditions requiring a scheme for the ventilation and abatement of cooking odours and noise restrictions from ventilation plant. 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)** - No objections.

**Scottish Water** - No objections.

**Aberdeenshire Council Archaeology Service** - No archaeological mitigation is required.

## **Representations**

6 letters of representation were received, of which 0 offered comments which neither supported nor objected to the proposal, 6 objected to the proposal and 0 supported the proposal.

The main points of concern were as follows:

- Access, traffic and parking issues;
- Amenity impacts on adjacent residents caused by noise late in evening, cooking smells and increased antisocial behaviour and littering;
- Impacts on privacy;
- Use would attract vermin;
- Over provision of takeaways and restaurants in Carnoustie;
- Improvement in quality of life of residents occurred when the unit was changed from a public house to diner / play centre and this would be undermined;
- this a residential area, which includes social housing for elderly and /or infirm residents and this proposal will impact negatively on all residents.

## **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 development is located outside of the defined town centre area. Having regard to the scale of the hot food takeaway and restaurant operations, they are unlikely to be uses 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 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.

The advice note indicates that the preferred location for a hot food takeaway is within a town centre or in a mixed-use area where there are already a significant number of properties in a non-residential use or a number of properties of a similar/related use (e.g. public house). 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 advice note indicates that the same approach will be taken for applications for hot food takeaways, restaurants or cafes, but the locational advice also allows for the provision of cafes and restaurants in core retail areas because they can complement the shopping experience.

The planning history of the property indicates it was granted planning permission in 2011 to change in use from a public house to a holistic centre, coffee/retail shop and toddler play area selling sandwiches and snacks. The planning permission was subject to controls limiting cooking on the premises to the use of toasters, soup urns, microwave ovens or other sealed oven units; and prevented frying or the preparation of food on a hot plate. The reason for the planning condition limiting the use of cooking equipment was *in the interests of the amenity of neighbouring properties*.

It is noted that objections submitted in relation to the current application indicate that the quality of life of those who live in the area surrounding the site improved significantly when the public house ceased to operate and was replaced by the current use. Available information suggests that the most recent use was one which operated with limited opening hours and did not operate late into the evening.

The property is in a location which is predominately residential in character in terms of its immediate surroundings, with residential property and garden ground surrounding the site to the north, south and east. To the south beyond Dundee Street there is a supported housing complex at Kinloch Court. The residential property at 94 Dundee Street is 6.4m to the north of the existing building and around 2.5m from the new covered storage area. It is acknowledged that there is a retail unit (furniture showroom) located around 24m to the east at 90 Dundee Street and the Royal British Legion at 88 Dundee Street to its immediate north. However, these uses are separated from the application site by residential property. The retail use (furniture shop) is unlikely to be one which would impact on the residential amenity of neighbouring property to any significant degree; and environmental health has confirmed that there is no complaint history associated with the use of the Royal British Legion premises.

The site is located outside of the defined town centre. The proposed uses would occupy a building which covers most of its curtilage and there is no space surrounding the site to provide a buffer between the uses and neighbouring housing and garden ground. The area around the site does not contain a significant number of properties in non-residential use, nor a number of properties of a similar/related use to a hot food takeaway or restaurant. The area is predominantly 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 a commercial use which can serve food, the cooking activities are significantly restricted and the use is unlikely to attract activity late into the evening. The proposal would introduce two new night-time economy related uses 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 referred to historical uses of the application property in support of their proposal and suggest that the premises has previously been used as a fish and chip shop, public house and they described the property as an 'existing restaurant'. While it is accepted that the building has historically been used for night-time economy related uses, the most recent planning permission for the premises was granted in 2011 for a holistic centre, coffee/retail shop and toddler play area selling sandwiches and snacks. That planning permission was subject to a planning condition which limited the type of cooking equipment that could be used and prevented the frying of food or the use of a hot plate, in the interests of the amenity of neighbouring properties. The character of the surrounding area has changed since the premises was used as a public house. A sheltered housing complex has been erected to the south of Dundee Street opposite the site, and the public house which was located at 90 Dundee Street to the east is now in retail use. The introduction of two new night-time economy related uses within the building which is very close to existing housing in an area which is now predominately residential in character does not comply with the locational guidance for hot food takeaways and restaurants set out in Advice Note 2/2018. The planning history of the property does not lend support to a departure from council guidance for restaurants and hot food takeaways.

Environmental health has been consulted on the proposal. They note that the existing use had conditions limiting the cooking of food which protected surrounding householders from loss of amenity through odour. Environmental health note that the application could potentially change this and raise concerns about the proximity of receptors and the fact the discharge will be of a low level, requiring a very high level of abatement. Environmental health indicate that planning conditions would be necessary requiring a scheme for ventilation and abatement of cooking odours as well as noise limits from plant at the premises. 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. There is some limited on-street parking outside of the premises and a public car park 80m to the east of the site. The roads service has been consulted on the application and raised no objections.

The external works proposed would improve the street elevation of the building and provide a new active frontage which would make a positive contribution to the appearance of the building. Surface water drainage arrangements for the extensions to the building are unclear. The application form indicates that SUDS would not be provided, but Scottish Water has indicated that they are unlikely to accept additional surface water connections to the combined sewer. Detailed drainage matters would be dealt with through the building warrant process.

The residential nature of the immediate area is such that this is a location which is likely to be reasonably sensitive to the introduction of night-time economy uses of this nature. The proposed uses are likely to result in increased movement of customers travelling to and from the premises and congregating in the vicinity late in the evening. While it is acknowledged that the site is on a reasonably busy public road, the level of activity and noise generated by the road is likely to reduce late in the evening. It would not be desirable to introduce new uses which generate 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 night-time economy related uses into a predominantly residential area and the proposed uses are likely to result in increased movement of customers travelling to and from the premises and congregating in their 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 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 have regard to the content of representations submitted and to Scottish Planning Policy. 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. Matters relating to the enforcement of illegal parking, antisocial behaviour and littering are controlled by other legislation. Concerns relating to the over provision of restaurants and 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. The removal of the existing extension to the west would not result in any significant impacts on amenity once the works are completed.

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 two new night-time economy related uses 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 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 two new night-time economy related uses 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, 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.

## Notes:

Case Officer: James Wright  
Date: 1 July 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>)

## Policy PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Wednesday, 16 February 2022



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,

**96 Dundee Street, Carnoustie, DD7 7PH**  
**Planning Ref: 22/00041/FULL**  
**Our Ref: DSCAS-0058439-6ZT**  
**Proposal: Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building**

**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

- ▶ This proposed development will be serviced by HATTON PFI o to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Services.

### 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.
- 

## 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

22/00041/FULL

Tick boxes as appropriate

ROADS

No Objection

Interest

(Comments to follow within 14 days)

Date

21	02	22
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**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**

**From:**Martin Petrie  
**Sent:**Mon, 21 Mar 2022 15:46:00 +0000  
**To:**James Wright  
**Cc:**Steven D Thomson  
**Subject:**FW: Planning Application Consultation 22/00041/FULL flare 516647  
**Attachments:**ufm13\_E-mail\_-\_Standard\_Consultation.pdf

Hi James

I can now advise that I have had a chance to peruse the documents and visit the site and my thoughts on this are below.

This application introduces a new restaurant and hot food takeaway into a site which had an existing soft play centre and café. The existing café had conditions preventing the cooking of food, therefore there would have been no impact to residential amenity through odour. This application could potentially change this and I am concerned about the proximity of receptors and the fact the discharge will by necessity be of a low level here. This will require a very high level of abatement and no details have as yet been provided by the applicant. Due to this I can support this application but on the provision the undernoted conditions are attached to the consent.

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.

-----Original Message-----

From: ACESSENVArbroath <[accessenvarbroath@angus.gov.uk](mailto:accessenvarbroath@angus.gov.uk)>

Sent: 15 February 2022 10:49

To: Martin Petrie <[PetrieM@angus.gov.uk](mailto:PetrieM@angus.gov.uk)>

Subject: FW: Planning Application Consultation 22/00041/FULL flare 516647

-----Original Message-----

From: [PLNProcessing@angus.gov.uk](mailto:PLNProcessing@angus.gov.uk) <[PLNProcessing@angus.gov.uk](mailto:PLNProcessing@angus.gov.uk)>

Sent: 15 February 2022 09:57

To: ACESSENVArbroath <[accessenvarbroath@angus.gov.uk](mailto:accessenvarbroath@angus.gov.uk)>

Subject: Planning Application Consultation 22/00041/FULL

Please see attached document.

**From:** [Claire Herbert](#)  
**To:** [PLNProcessing](#)  
**Cc:** [James Wright](#)  
**Subject:** Consultation 22/00041/FULL - Archaeology response  
**Date:** 25 February 2022 12:19:42

---

**Planning Reference:** 22/00041/FULL

**Case Officer Name:** James Wright

**Proposal:** Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building

**Site Address:** 96 Dundee Street Carnoustie

**Site Post Code:** DD7 7PH

**Grid Reference:** NO 5582 3454

Thank you for consulting us on the above application. I can advise that in this particular instance no archaeological mitigation is required.

Should you have any comments or queries regarding the above, please do not hesitate to contact me.

Kind regards,  
Claire

**Claire Herbert MA(Hons) MA MCIfA**

**Archaeologist**

Archaeology Service, Planning and Economy, Environment and Infrastructure Services  
Aberdeenshire Council

T: 01467 537717

E: [Claire.herbert@aberdeenshire.gov.uk](mailto:Claire.herbert@aberdeenshire.gov.uk)

W: <https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology>

W: <https://online.aberdeenshire.gov.uk/smrpub>

*Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils*

Your feedback is important to us and helps us to improve our service – we value your [comments](#).

Please note office working hours: Monday - Friday, 9.30am – 5.30pm

Explore the historic environment - find and follow the Archaeology Service on social media:



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Twitter

[@AbshireArch\\_CH](#)



YouTube

[Aberdeenshire Council Archaeology Service](#)

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

[www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk)

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## Comments for Planning Application 22/00041/FULL

### Application Summary

Application Number: 22/00041/FULL

Address: 96 Dundee Street Carnoustie DD7 7PH

Proposal: Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building

Case Officer: James Wright

### Customer Details

Name: Mrs Mary McWattie

Address: 4 Camus Court Carnoustie

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection based on: 1) Impact on local area 2) Noise, nuisance and smell 3) Impact on traffic movement 4) Road safety, parking & access 5) Environmental impact.

This is a predominately residential area, particularly focused on social housing for elderly and / or infirm residents. There is now a thoroughfare from Dundee Street via Camus Court and Camus Crescent to West Path which could increase the footfall and noise disturbance late into the evening /night. After the previous change of use from a pub to a diner / play centre there was a significant improvement in quality of life for residents with regards to noise; late license issues and patron intrusions into resident areas. There is limited parking in the immediate area for people accessing the takeaway facilities

There is an over population of Indian restaurants in Carnoustie - a total of 5 facilities for dining in and / or takeaway facilities. With a further 8 dining and / or takeaway facilities of other cuisines also available within the town - not including hotel or golf facilities.

**Comments for Planning Application 22/00041/FULL****Application Summary**

Application Number: 22/00041/FULL

Address: 96 Dundee Street Carnoustie DD7 7PH

Proposal: Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building

Case Officer: James Wright

**Customer Details**

Name: Kirstie Braid

Address: 48 Glenclova Terrace Forfar

**Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As part owner of 92 Dundee Street where my elderly mother lives I am objecting to the new proposals. Prior to the property becoming a diner/play area, my mother was constantly plagued with late night noise, annoying extractor fans disturbing her peace, food containers and glasses ending up in her garden. This could result in the same outcome. Also there is the concern that as there is a lack of parking for the property, people will illegally park in front of her gates.



## Comments for Planning Application 22/00041/FULL

### Application Summary

Application Number: 22/00041/FULL

Address: 96 Dundee Street Carnoustie DD7 7PH

Proposal: Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building

Case Officer: James Wright

### Customer Details

Name: Mrs Patricia Boyd

Address: 92 DUNDEE Street Carnoustie

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a senior tenant in the area I am objecting to the proposal, formed by my previous experiences before the property was a diner and play centre.

Therefore based on historical facts my objections are:

Cooking smells and noise from extractor/air conditioning fans causing the need to keep my windows closed

Late night disturbances due to increased footfall in the area

Illegal parking blocking my access as limited parking available

Litter either accidentally or deliberately deposited in my garden

Use of my garden to urinate or be sick in

# **Comments for Planning Application 22/00041/FULL**

## **Application Summary**

Application Number: 22/00041/FULL

Address: 96 Dundee Street Carnoustie DD7 7PH

Proposal: Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building

Case Officer: James Wright

## **Customer Details**

Name: Ian Turner

Address: 100 Dundee Street, Carnoustie

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My objection to the proposals are due to a number of concerns.

The demolition of the existing extension on the west elevation, will open up a large area at the side of my property to the public. This will have a detrimental effect on privacy, an increase in noise & potential for increased littering in my garden. The addition of a bin store along this elevation may cause smells & attract vermin. I am also concerned that this area will be used for the restaurant bins too, as no area to the east elevation is shown as a bin store.

There is limited parking, in what is predominately a residential area. I feel the increase in vehicles will lead to patrons parking illegally on the double yellow lines &/or obstructing access to residential property. This in turn causes issues entering & exiting due to being overly congested & limiting visibility up & down the road.

I am also concerned that the take away will attract people to the area, late at night, resulting in increased noise, anti social behaviour & littering.

## Comments for Planning Application 22/00041/FULL

### Application Summary

Application Number: 22/00041/FULL

Address: 96 Dundee Street Carnoustie DD7 7PH

Proposal: Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building

Case Officer: James Wright

### Customer Details

Name: Mr Peter Silvers

Address: 102 Dundee street carnoustie

### Comment Details

Commenter Type: Miscellaneous

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am strongly objecting to the new proposals.

This is predominantly a residential area, which includes social housing for elderly and /or infirm residents and this proposal will impact negatively on all residents. There is a new thoroughfare from Dundee Street via Camus Court and Camus Crescent to West Path which has increased the footfall and noise disturbance late into the evening /night. Residents objected to this but were ignored. The proposal will increase this footfall even more.

Historically I am aware that prior to the property becoming a diner/play area, residents were constantly plagued with late night noise from patrons, annoying extractor fans disturbing the peace, food containers and glasses ending up in gardens. I am deeply concerned that the current proposal would cause this to happen again. After the previous change of use from a pub to a diner /play centre there was a significant improvement in quality of life for residents with regards to noise and amenity.

I have a primary aged school child whose bedroom would back on to the proposed development. This would impact on her trying to sleep late at night. I would also be concerned as to the potential for smells coming from the bins and the increase in vermin attracted by this.

Further there is limited parking in the immediate area for people accessing the proposed takeaway facilities impacting on access for residents and potentially increasing the traffic risks for pedestrians and cyclists.

Lastly, I would question the need for another restaurant/ takeaway in Carnoustie. There are

# AC10

already 5 Indian restaurants for dining in and/ or takeaway and there are a further 8 dining and /or takeaway facilities of other cuisines also available within the town - not including hotel or golf club facilities.

## Comments for Planning Application 22/00041/FULL

### Application Summary

Application Number: 22/00041/FULL

Address: 96 Dundee Street Carnoustie DD7 7PH

Proposal: Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building

Case Officer: James Wright

### Customer Details

Name: Mr Sean Boyd

Address: 6 Lochview Place Bridge of Don Aberdeen

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sir/Madam,

Planning Application Reference 22/00041/FULL

I am afraid I must object to the change on the following grounds, which will directly impact my mother who lives at 92 Dundee Street;

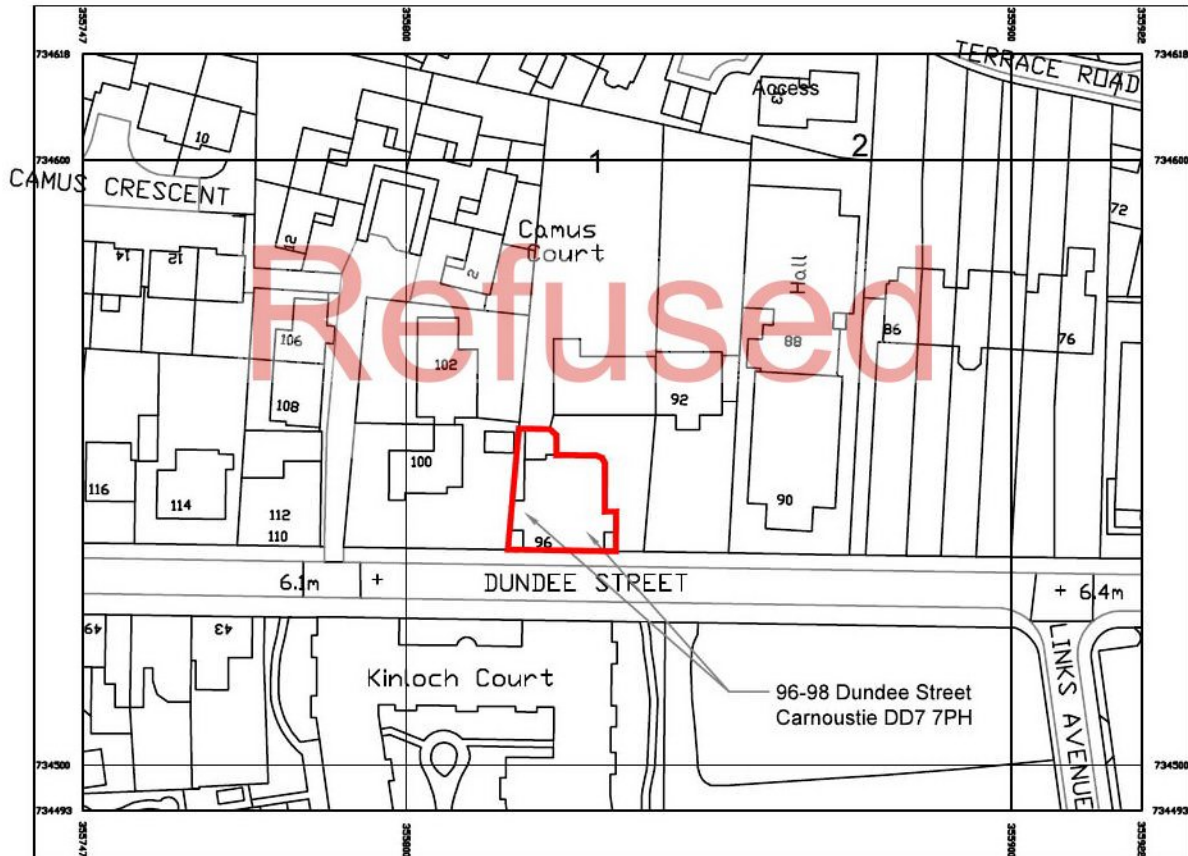
1. Noise from extraction fans. Noise disturbance was previously experienced when the British Legion "upgraded" their extraction fans.
2. Noise pollution when rubbish is being put into commercial bins. Bottles are a particular concern.
3. Potential for excessive noise from customers. Particularly an issue late at night and if customers congregate outside the restaurant.
4. Restaurant customers smoking outside the premises and discarding their cigarette butts irresponsibly.
5. Smell from cooking fumes preventing my mother from being able to open her windows or enjoy her front garden.
6. Rubbish from takeaways being thrown into my mother's garden. This was an issue when the establishment was used as a bar, she would regularly find bottles and glasses.
7. Illegal parking in front of her driveway, and the total lack of suitable enforcement.

Sean Boyd

Trustee

For and on Behalf of the Trust Estate of 92 Dundee Street

Ordnance Survey  
Ukmapcentre.com



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## LOCATION PLAN

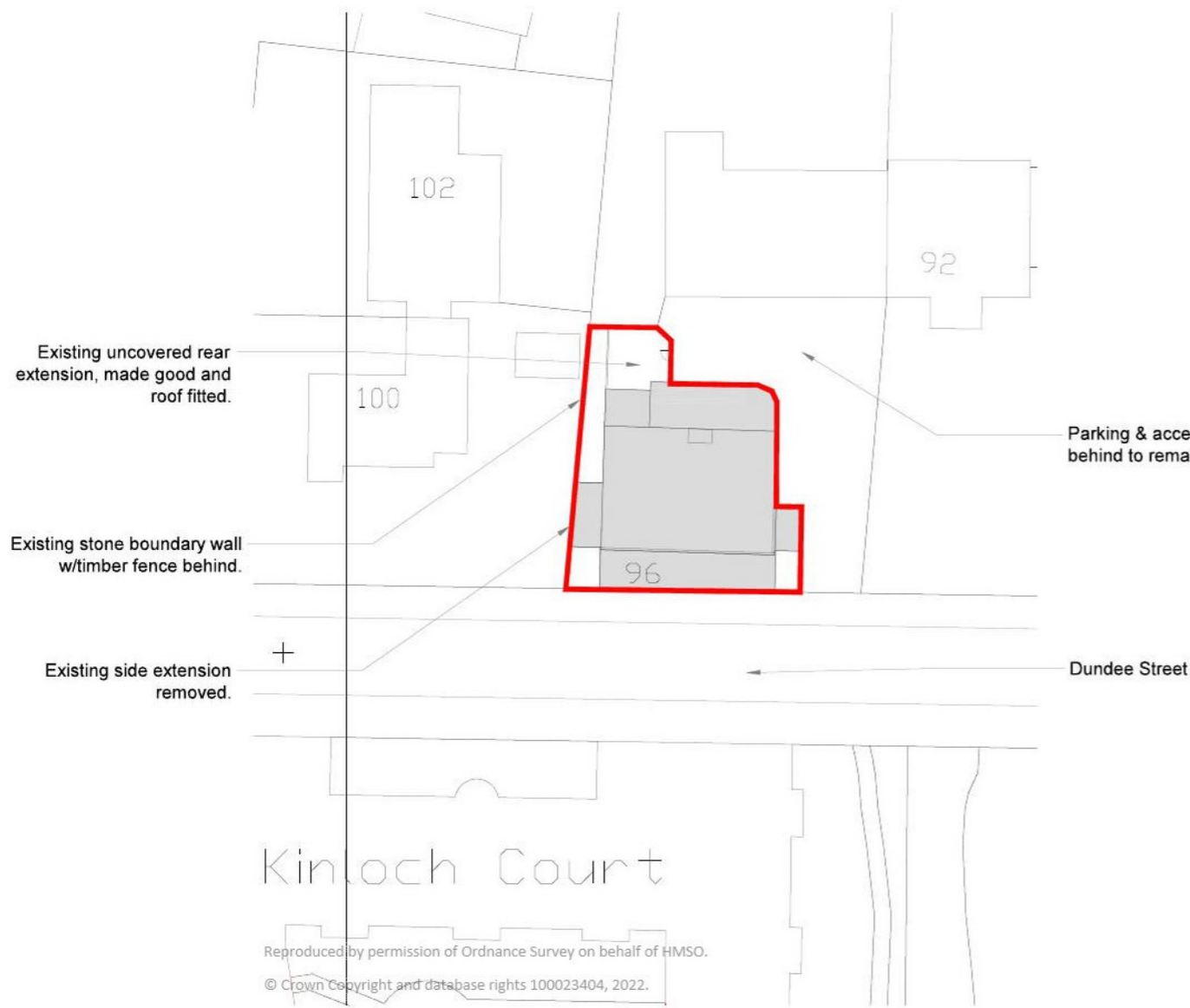
1:1250

<b>PROPOSED RESTAURANT &amp; TAKE AWAY</b>		date	21 12 21
address		drawn	SJK
96-98 DUNDEE ST, CARNOUSTIE DD7 7PH		checked	
title		scale	1:1250
LOCATION PLAN		96-98 Dundee Street Location Plan.dwg	
<b>PLANNING</b>		PI 2369	<b>A100</b>

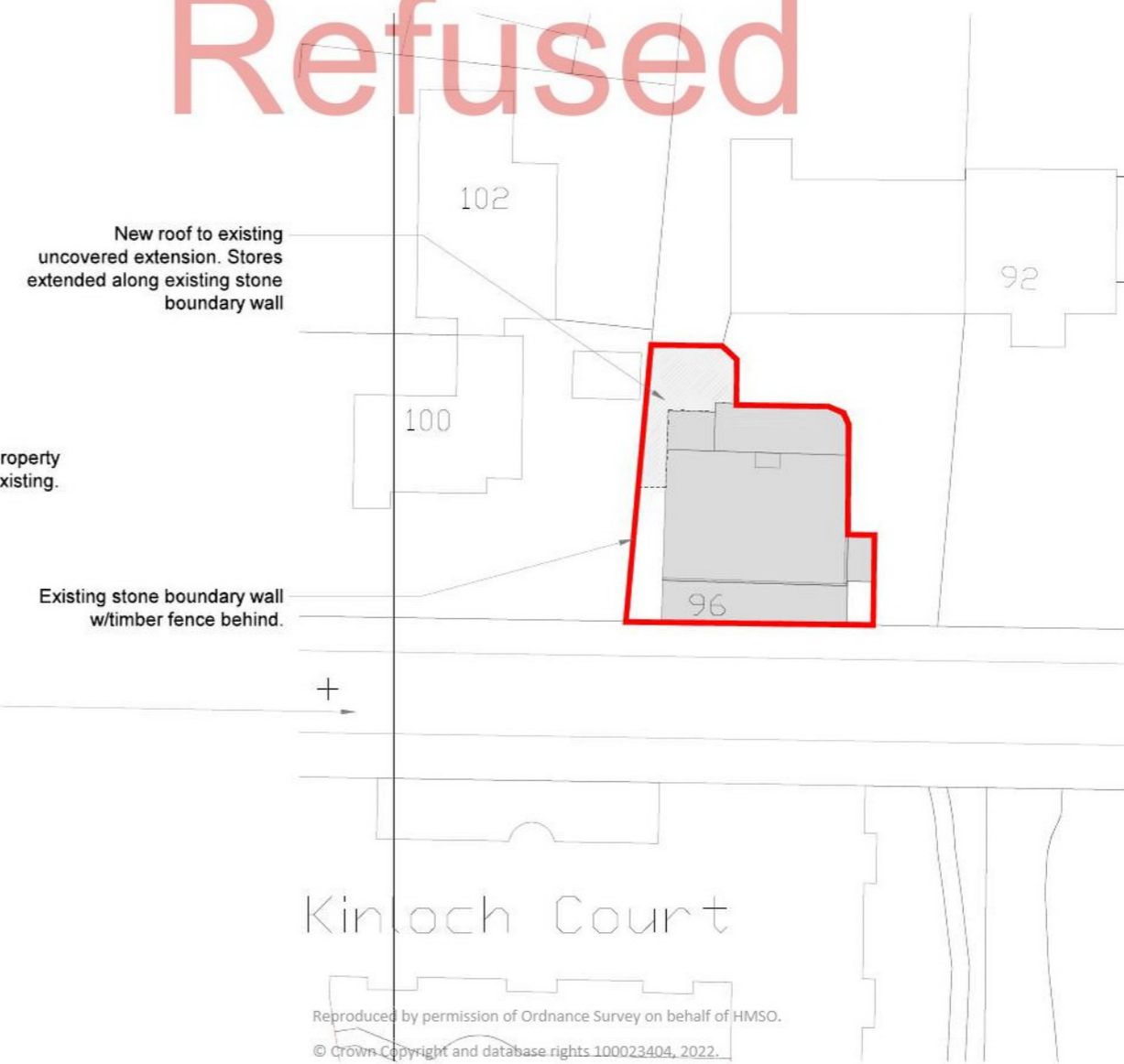
**DO NOT SCALE.** Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported. Drawings to be read & fully understood before work commences.  
IF IN DOUBT ASK.

rev	description	date	by	checked

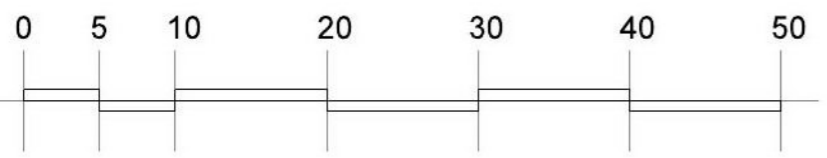
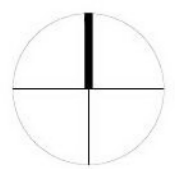
# Refused



**EXISTING SITE PLAN**  
1:500



**PROPOSED SITE PLAN**  
1:500

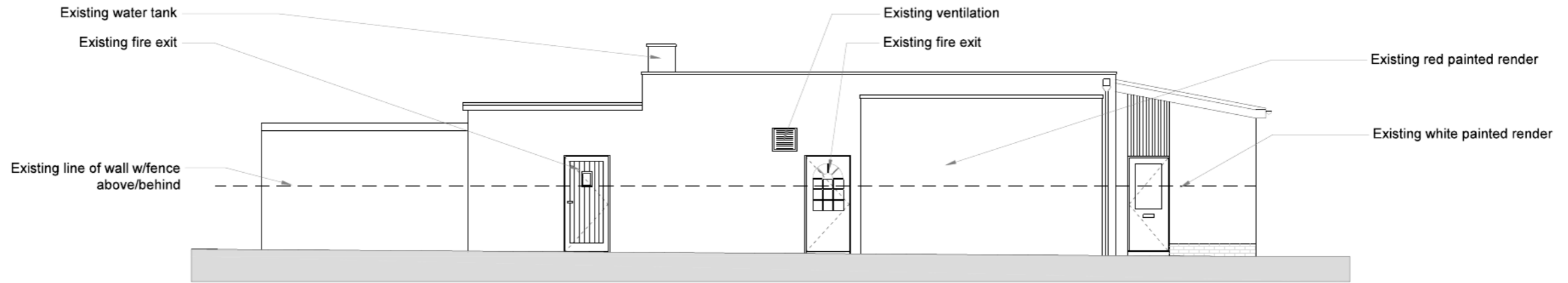


Scale in metres - 1:500 scale bar

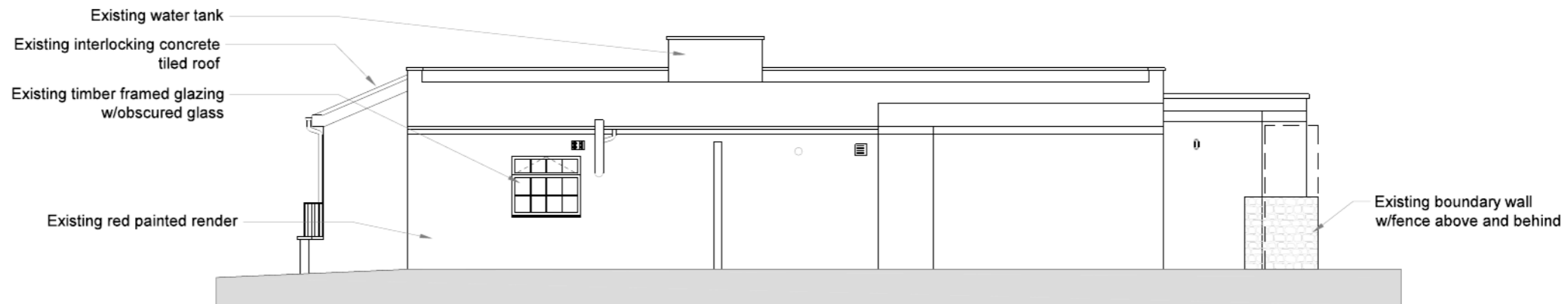
client	porcupine design 26 Muirpark Drymen G63 0DX			
date	03 02 22			
address	96-98 Dundee Street, Carnoustie			
drawn	SJK	checked	SJK	
title	Existing and Proposed Site Plan			
scale	1:500 @ A3			
rev	description	date	by	checked
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.				

client	<b>Restaurant and Take Away</b>		date	03 02 22	
address	96-98 Dundee Street, Carnoustie		drawn	SJK	checked
title	Existing and Proposed Site Plan		scale	1:500 @ A3	
PLANNING			job number	PI 2369	dwg no
A101			rev	-	

# Refused

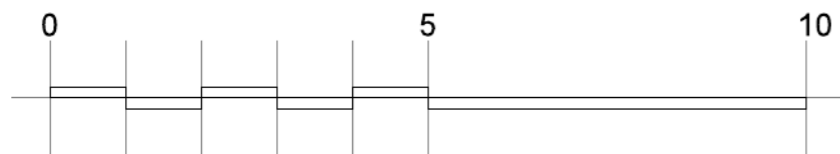


EXISTING SIDE (WEST) ELEVATION  
1:100



EXISTING REAR ELEVATION  
1:100

# Refused



Scale in metres - 1:100 scale bar

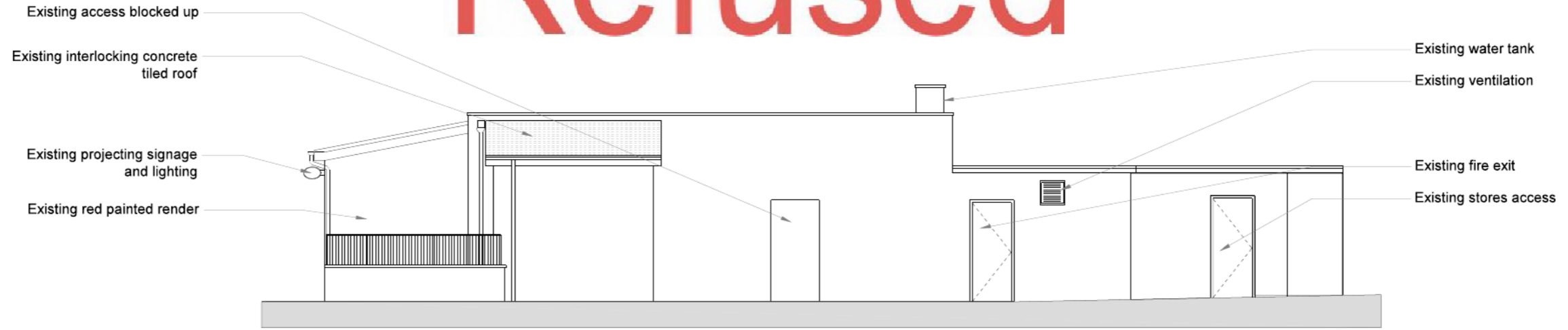
				client <b>Restaurant &amp; Take Away</b>		date 01 11 21	
				address 96-98 Dundee Street, Carnoustie		drawn SJK	checked ✓
				title Existing Rear (North) Elevation and Side (West) Elevation		scale 1:100 @ A3	
				job number <b>PI 2369</b>		dwg no <b>A111</b>	
				EXISTING			
rev	description	date	by	checked			

www.porcupinedesign.co.uk

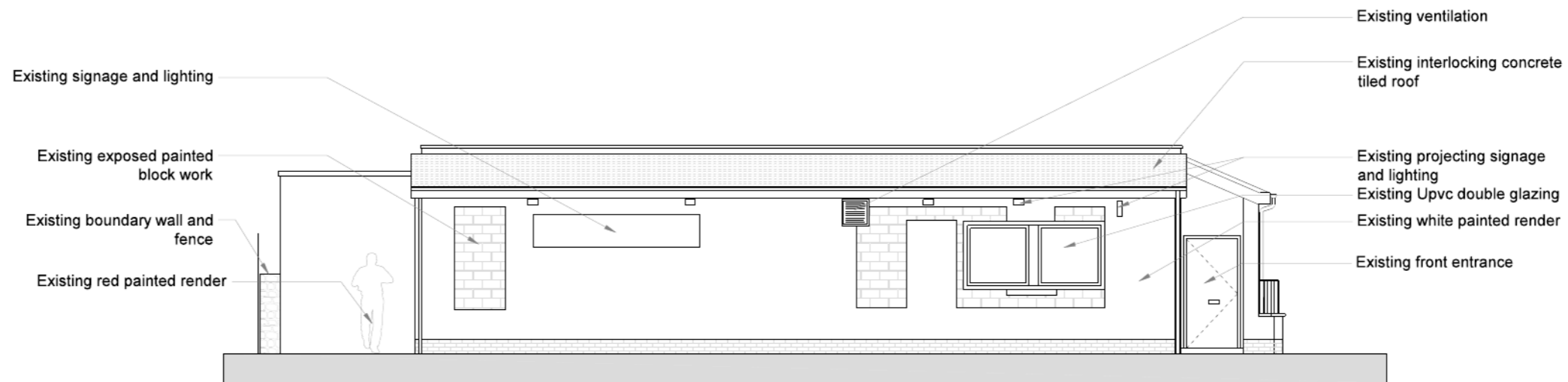
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.



# Refused



EXISTING SIDE (EAST) ELEVATION  
1:100



EXISTING FRONT ELEVATION  
1:100

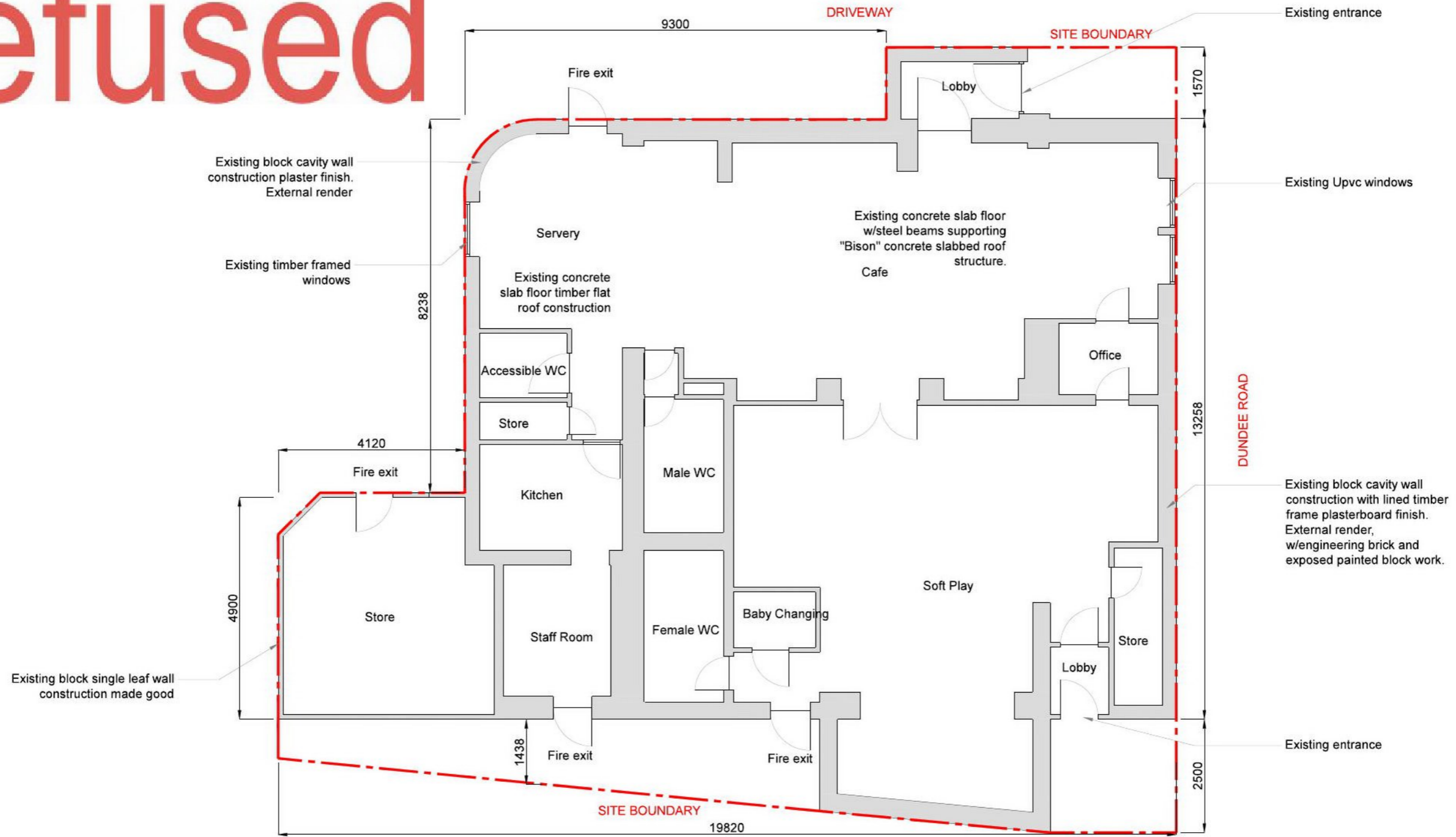
# Refused



Scale in metres - 1:100 scale bar

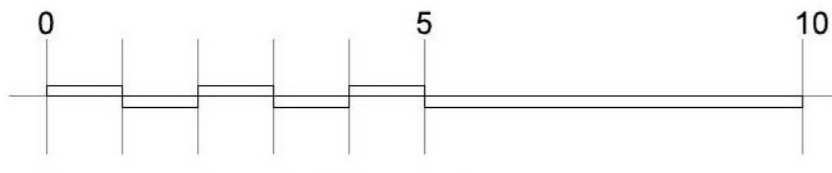
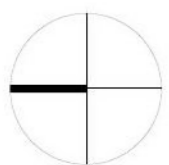
				client <b>Restaurant &amp; Take Away</b>		date 01 11 21	
				address 96-98 Dundee Street, Carnoustie		drawn SJK	checked ✓
				title Existing Front (South) Elevation and Side (East) Elevation		scale 1:100 @ A3	
				www.porcupinedesign.co.uk DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.		job number PI 2369	
rev description date by checked			EXISTING		dwg no A110		rev -

# Refused



EXISTING FLOOR PLAN  
1:100

# Refused



rev	description	date	by	checked
A	Boundary revised	03 02 22	SJK	✓

www.porcupinedesign.co.uk  
 DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.

client <b>Restaurant &amp; Take Away</b>	date 0 11 21
address 96-98 Dundee Street, Carnoustie	drawn SJK
title Existing Floor Plan	checked ✓
	scale 1:100 @ A3
EXISTING	job number PI 2369
	dwg no A102
	rev A

# Refused



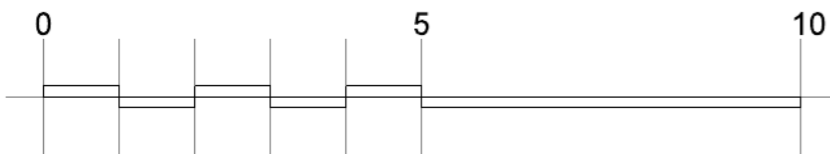
PROPOSED SIDE (WEST) ELEVATION  
1:100

# Refused



PROPOSED REAR ELEVATION  
1:100

# Refused



Scale in metres - 1:100 scale bar

rev	description	date	by	checked

www.porcupinedesign.co.uk  
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.

client <b>Restaurant &amp; Take Away</b>	date 01 11 21
address 96-98 Dundee Street, Carnoustie	drawn SJK
title Proposed Rear (North) Elevation and Side (West) Elevation	checked ✓
scale 1:100 @ A3	
<small>Restaurant Takeaway.dwg</small>	
job number <b>PI 2369</b>	PLANNING
dwg no <b>A211</b>	rev -

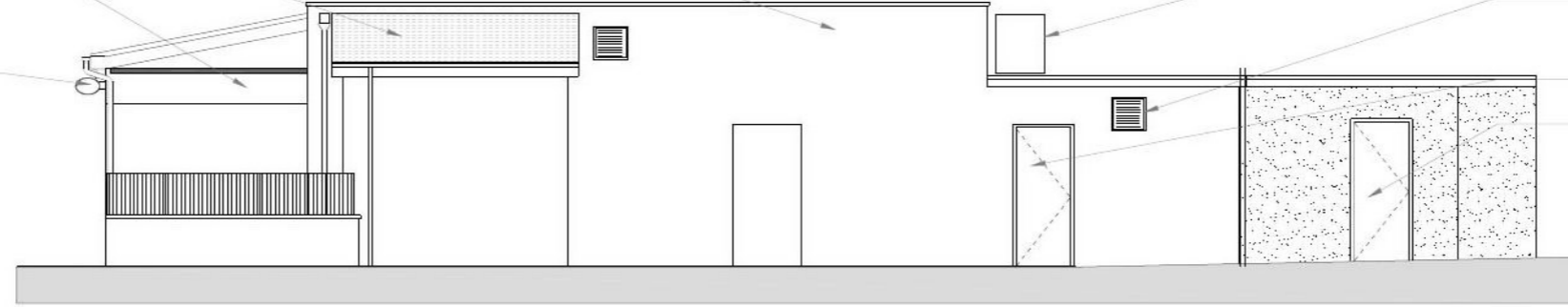
Existing rendered made good and decorated (colour tbc)

# Refused

Existing interlocking concrete tiled roof

New signage and projecting wall mounted LED trough lighting.

New projecting LED lit signage



New mechanical extraction (specification tbc)

Existing ventilation

Existing fire exit

Existing stores access

PROPOSED SIDE (EAST) ELEVATION  
1:100

# Refused

New signage and projecting wall mounted LED trough lighting.

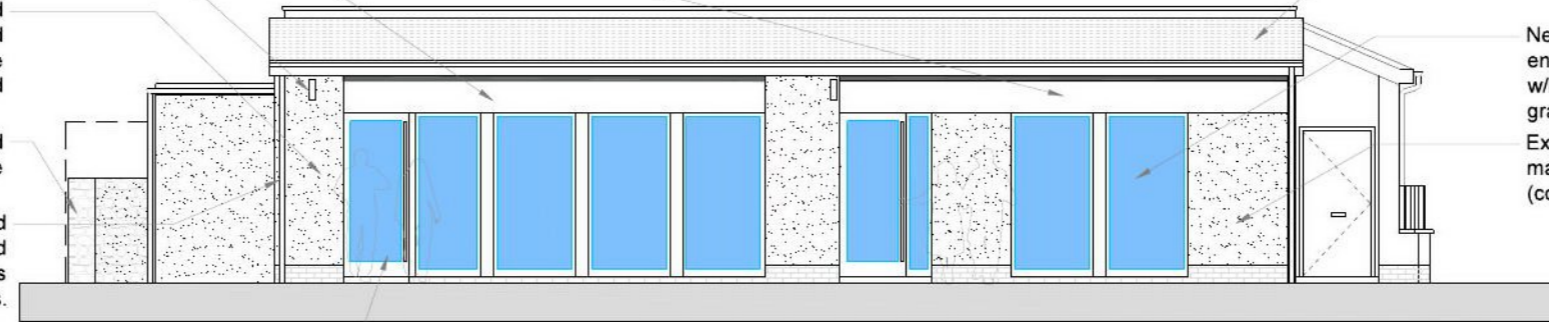
New projecting LED lit signage

Existing rendered made good and decorated (colour tbc) exposed painted block work filled and made good and decorated

Existing boundary wall and fence

Rain water goods made good as required and replaced w/new PVC black downpipes and gutters.

New aluminium shop front entrance and glazing w/manifestations and window graphics (tbc).



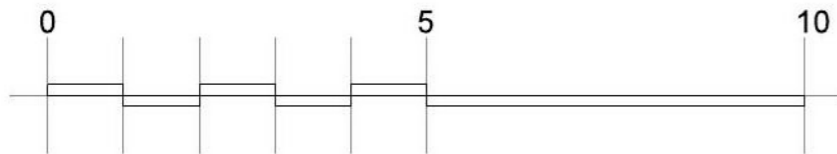
Existing interlocking concrete tiled roof

New aluminium shop front entrance and glazing w/manifestations and window graphics (tbc).

Existing white painted render made good and decorated (colour tbc)

PROPOSED FRONT ELEVATION  
1:100

# Refused



Scale in metres - 1:100 scale bar

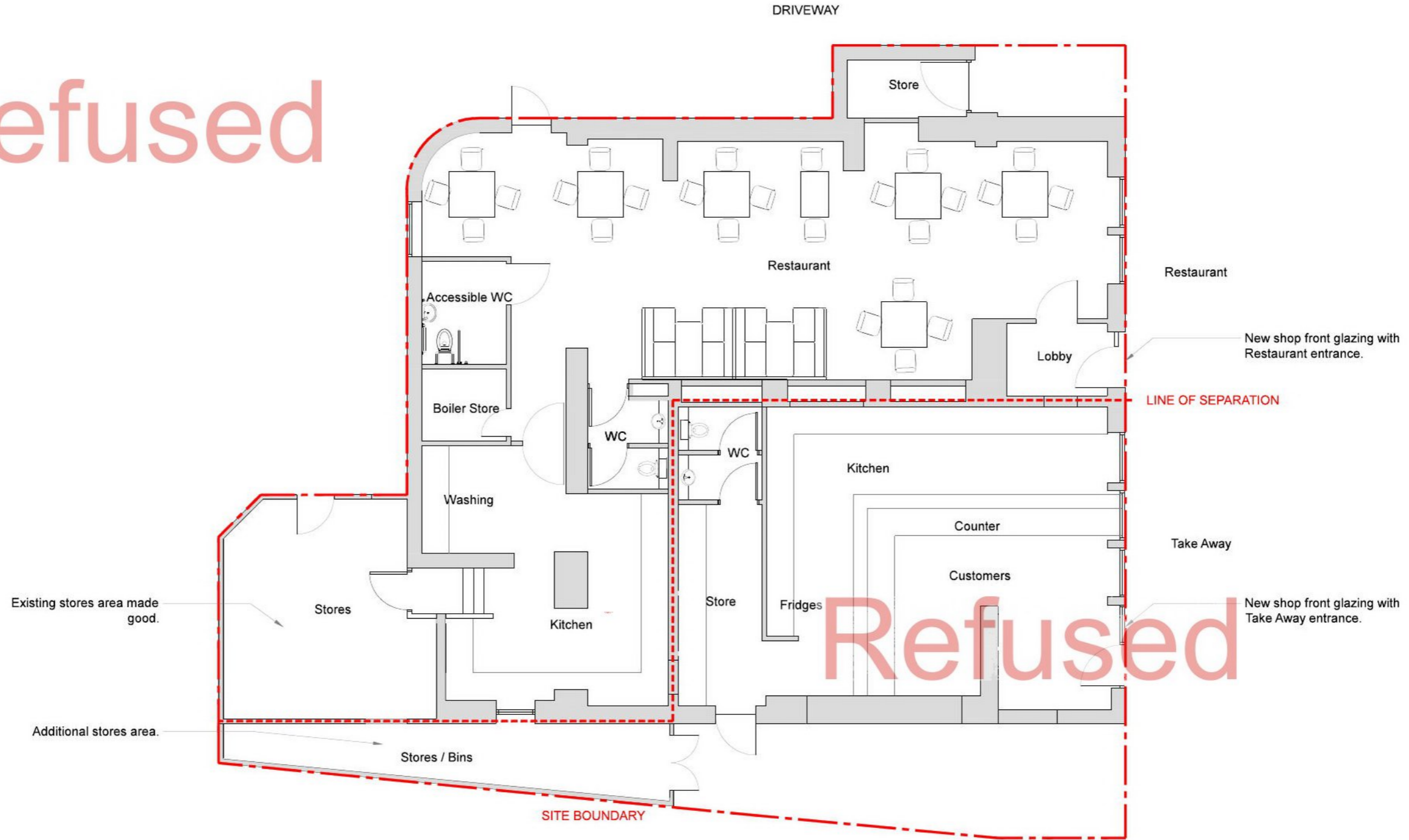
rev	description	date	by	checked

www.porcupinedesign.co.uk  
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.

client <b>Restaurant &amp; Take Away</b>	date 01 11 21
address 96-98 Dundee Street, Carnoustie	drawn SJK
title Proposed Front (South) Elevation and Side (East) Elevation	checked √
scale 1:100 @ A3	
job number PI 2369	

PLANNING

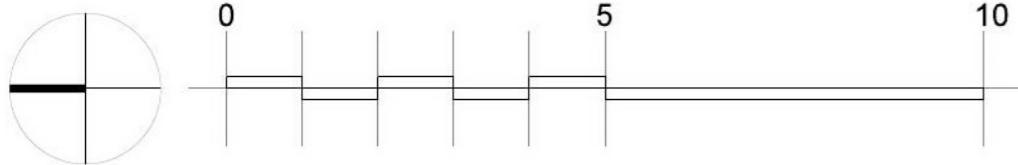
Refused



Refused

PROPOSED FLOOR PLAN  
1:100

PROPOSED SITE AREAS  
TAKE AWAY = 109 SQ M  
RESTAURANT = 168 SQ M



Scale in metres - 1:100 scale bar

rev	description	date	by	checked
B	Boundary Revised	03 02 22	SJK	√
A	Stores Area revised	21 12 21	SJK	√

www.porcupinedesign.co.uk  
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.

client	Restaurant & Take Away		date	01 11 21
address	96-98 Dundee Street, Carnoustie		drawn	SJK
			checked	√
title	Proposed Floor Plan		scale	1:100 @ A3
PLANNING			job number	PI 2369
			dwg no	A200
			rev	B

**From:** [Peter Inglis](#)  
**To:** [James Wright](#)  
**Subject:** 22/00041/FULL 96 Dundee St., Carnoustie  
**Date:** 16 February 2022 11:04:13  
**Attachments:** [South 5.JPG](#)  
[South 6.JPG](#)

---

Further to the letter of acknowledgement, please find attached two more site photos which illustrate that the property is clearly visible on Dundee Street and the pedestrian access to the rear of the property.

I trust that this meets with your requirements.

Regards,

Peter



Days

AZZURRO  
coffee





SP70 YRX

TEA  
COFFEE  
FILLED ROLLS  
SOFT DRINKS  
**HAPPY DAYS  
DINER**  
BURGERS HOTDOGS

TEA  
SOFT DRINKS  
BURGERS  
HOTDOGS

94



rescent

Actual

United Kingdom - Scotland - Angus - Carnoustie

# AC14



Dundee Street Dundee Street

Arrans Bar

Happy Days Diner & Play Centre

Millers

A930

Dundee Street

A930

Dundee

Feedback

50 feet 10 m

# AC14



94 Dundee Street,  
Carnoustie, DD7 7PH

Dundee Street

A930

Dundee Street

# AC14



96-98 Dundee Street,  
Carnoustie, DD7 7PH

A930

Dundee Street

Links Avenue

# AC14

Dundee Street

A930

Dundee Street



96-98 Dundee Street,  
Carnoustie, DD7 7PH

Kirkton Terrace

Cam

# AC14

A930

Dundee Street

96-98 Dundee Street,  
Carnoustie, DD7 7PH

Dundee Street

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

PLANNING PERMISSION REFUSAL  
REFERENCE : 22/00041/FULL

To **Mr Munawar Mohammed**  
**c/o Peter Inglis**  
**Drumcairn**  
**Invergowrie**  
**Dundee**  
**DD2 5EL**

With reference to your application dated 8 February 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz.:-

**Change of use from diner and play centre to restaurant and hot food takeaway including alterations and extension to building at 96 Dundee Street Carnoustie DD7 7PH for Mr Munawar Mohammed**

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 two new night-time economy related uses 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, 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 **4 July 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> – <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> <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> – <b>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.

## ANGUS COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
(AS AMENDED)  
TOWN AND COUNTRY PLANNING (DEVELOPMENT  
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008



PLANNING PERMISSION APPROVAL  
Reference 11/00916/FULL

To: **Mr Tony Lindsay**  
**23 Lochend Road**  
**Carnoustie**  
**DD7 7QD**

With reference to your application dated **31 October 2011** for planning permission under the above mentioned Acts and Regulations for the following development viz:-

**Change of Use, From Public House (Sui Generis) to Holistic Centre Coffee/Retail Shop Toddler Play Area (class 1 & 10) Selling Sandwiches and Snacks at Arrans Bar 96 Dundee Street Carnoustie DD7 7PH for Mr Tony Lindsay**

The Angus Council in exercise of their powers under the above mentioned Acts and Regulations hereby **Grant 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 approved on the Public Access portal. The permission is subject to the following conditions, namely:-

- 1 That the development hereby approved shall be begun before the expiration of three years from the date of this planning permission.
- 2 There shall be no cooking, heating or reheating equipment on the premises other than toasters, soup urns, microwave ovens or other sealed oven units. Specifically there shall be no equipment for frying or for the preparation of food on a hot plate unless otherwise approved in writing by the planning authority.
- 3 That the building shall be restricted to the uses identified on the ground floor layout as indicated on Drawing: Proposed Ground Floor Plan unless otherwise agreed in writing with the Planning Authority.

The foregoing conditions are imposed by the Council for the following reasons:-

- 1 In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 In order to clarify the terms of this planning permission and in the interests of the amenity of neighbouring properties.
- 3 In order to ensure that any change to the use of the building may be subject to the approval of this authority in the interests of the amenity of the area.

The reason(s) for the foregoing decision by the Council are as follows:-

The proposal will provide a new use for vacant premises in a manner that complies with development plan policy and relevant supplementary planning guidance and with no perceived impact on the amenity of the surrounding area, subject to the conditions as stated. There are no material considerations that justify refusal of the application.

Dated this **29 December 2011**

Head of Planning and Transport,  
Infrastructure Services,  
County Buildings,  
Market Street,  
FORFAR DD8 3LG

## NOTES

The decision was based on the following amendment(s):-

1. There have been no amendments to this proposal.

**It should be understood that this permission does not carry with it any necessary consent or approval to the proposed development under other statutory enactments e.g. the Building (Scotland) Acts 1959 and 1970, Building (Scotland) Act 2003 and the Building (Scotland) Regulations 2004.**

**WARNING ANY ALTERATIONS MADE TO THE APPROVED PLANS OR STATED CONDITIONS WITHOUT THE PRIOR CONSENT OF THE LOCAL PLANNING AUTHORITY COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN TO REMEDY OR REINSTATE THE UNAUTHORISED ALTERATIONS**



# **WARNING**

**NON-COMPLIANCE WITH ANY OF THE CONDITIONS TO THIS PLANNING CONSENT COULD LEAD TO ENFORCEMENT ACTION BEING PURSUED BY THE COUNCIL.**

**NOTE: CONDITIONS ATTACHED BY THE COUNCIL TAKE PRECEDENCE OVER THE SUBMITTED/ APPROVED PLANS.**

**NO ALTERATIONS OR DEVIATIONS FROM THE APPROVED PLANS SHOULD BE UNDERTAKEN WITHOUT THE PRIOR APPROVAL OF THE PLANNING AUTHORITY. FAILURE TO OBTAIN APPROVAL COULD LEAD TO ENFORCEMENT ACTION BEING TAKEN.**

**Produced by:**

**Angus Council  
Infrastructure Services  
Planning & Transport Division  
County Buildings  
Market Street  
FORFAR  
DD8 3LG**

## 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.**

### 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.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>
<b>Delegated Decision</b>	Local developments determined by the Head of Planning & Transport 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.	<i>Local Review Body – See details on attached Form 2</i>
<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.	<i>DPEA (appeal to Scottish Ministers) – See details on attached Form 1</i>

**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:

The Planning & Transport Division  
County Buildings  
Market Street  
Forfar  
Angus  
DD8 3LG

Telephone 01307 473212 / 473207 / 473335  
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 2008 – 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 to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this Notice. The notice of appeal should be addressed to Directorate for Planning & Environmental Appeals, 4 The Courtyard, Callendar Business Park, 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, whether by the Planning Authority or by the Scottish Ministers, 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 2008 – 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 to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval 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 from the date of this Notice. The notice of review should be addressed to Elaine Whittet, Committee Officer, Angus Council, Corporate Services, Law & Administration Division, Angus House, Orchardbank Business Park, Forfar, DD8 1AN. A Notice of Review Form and guidance can be found on the national e-planning web site <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.

**NOTIFICATION OF INITIATION OF DEVELOPMENT**

**AC16**

This notice must be fully completed by the person intending to carry out the development as approved in application reference **11/00916/FULL** for **Change of Use, From Public House (Sui Generis) to Holistic Centre Coffee/Retail Shop Toddler Play Area (class 1 & 10) Selling Sandwiches and Snacks at Arrans Bar 96 Dundee Street Carnoustie DD7 7PH** for **Mr Tony Lindsay** dated **29 December 2011** and thereafter submitted to the Head of Planning & Transport, Angus Council, County Buildings, Market Street, Forfar, DD8 3LG.

<b>Full Name:</b>
<b>Address:</b>
<b>Do you own the land subject to the above permission?</b>
<b>If not, please provide the full name and address of the land owner:</b>
<b>Is there a person appointed to oversee the development? If so, please provide their full name and contact details:</b>
<b>Date you intend to commence the above development:</b>

**NOTIFICATION OF COMPLETION OF DEVELOPMENT (NCD)**

**AC16**

This notice should be fully completed by the person who completed the development approved in application reference **11/00916/FULL** for **Change of Use, From Public House (Sui Generis) to Holistic Centre Coffee/Retail Shop Toddler Play Area (class 1 & 10) Selling Sandwiches and Snacks at Arrans Bar 96 Dundee Street Carnoustie DD7 7PH** for **Mr Tony Lindsay** dated **29 December 2011** and thereafter submitted to the Head of Planning & Transport, Angus Council, County Buildings, Market Street, Forfar, DD8 3LG.

**Full Name:**

**Address:**

**Date of completion of the above development:**

**SCHEDULE 7**

Development at **Arrans Bar 96 Dundee Street Carnoustie DD7 7PH**

Notice is hereby given that planning permission has been granted subject to conditions to **Mr Tony Lindsay** on **29 December 2011**.

Application reference **11/00916/FULL**

The development comprises **Change of Use, From Public House (Sui Generis) to Holistic Centre Coffee/Retail Shop Toddler Play Area (class 1 & 10) Selling Sandwiches and Snacks**

Further Information regarding the planning permission including the conditions, if any, on which it has been granted can be obtained at all reasonable hours at:

Angus Council  
Planning & Transport Division  
County Buildings  
Market Street  
Forfar  
DD8 3LG

Enquiries should be directed to the Head of Planning & Transport at the above address or to [planning@angus.gov.uk](mailto:planning@angus.gov.uk)

**INFRASTRUCTURE  
SERVICES  
DEPARTMENT**

**Your experience with the Planning & Transport Division**

*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"/>
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**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.

Peter  
Inglis

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From: Peter Inglis  
Sent: 30 May 2022 14:24:30 +0100  
To: James Wright  
Cc: Ali Mohammed  
Subject: Re: 96 Dundee Street, Carnoustie 22/00041/FULL

Mr Wright,

Further to your email of the 20th May, I wish to comment as follows.

1. The property is an existing restaurant which presumably means that that element of this application is not contentious.
2. The hot food takeaway is surely an extension of this existing restaurant use. I note Martin Petrie's comments whereby he requests full details of the noise and odour abatement as conditions attached to a consent and we would provide these in order to prevent any reduction in the amenity of the surrounding properties, as we have done in previous similar situations.
3. There is no intention of introducing a facility which would impact on the 'night-time economy'. The hot food takeaway would close at 11.00pm at the latest.
4. There is no intention to use live music on these premises.
5. Whilst there is no off-street car parking, the restaurant operated using on street parking which is permitted. Dundee Street is a major thoroughfare through the commercial centre of Carnoustie and the introduction of a hot food takeaway is not going to impact on the use of this road. Similarly, the pavement width meets the standard of your guidance. Litter can be controlled through the placement of litter bins at each end of the property.

I would welcome the opportunity to meet with you to discuss this application.

Regards,

Peter

On Fri, May 20, 2022 at 4:40 PM James Wright <[WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk)> wrote:  
Mr Inglis,

I refer to the above application and apologise for the delayed response. Unfortunately due to staffing shortages and associated workloads, timescales for assessment and progressing applications are taking longer than normal.

The current application has now been fully assessed and unfortunately there are concerns with this and the application will be progressed to determination as a refusal. The reasons for any decision will be specified in the Report of Handling.

In general terms Policy DS4 of the Angus Local development Plan 2016 (ALDP) 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 proposal relates to a vacant diner / soft play centre located outside of the town centre. The property is in a location which is predominately residential in character in terms of its immediate surroundings, with residential property and garden ground surrounding the site to the north, west and east and to the south beyond Dundee Street there is an existing care home and supported housing complex. 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 proposal would 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 surrounded by residential uses resulting in adverse impacts on the residential amenity of those that live close to the site. My view is that 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.

Based on the above we intend to progress the application to determination on this basis.

Regards



James Wright | Planning Officer (Development Standards) | Angus Council | 01307  
492629 | [WrightJ@angus.gov.uk](mailto:WrightJ@angus.gov.uk) | [www.angus.gov.uk](http://www.angus.gov.uk)

**Covid:** As restrictions ease, the emphasis will continue to be on personal responsibility, good practice and informed judgement. [Get the latest information on Coronavirus in Scotland.](#)

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Think green- please do not print this email

**PROPOSED CHANGE OF USE****96-98 DUNDEE STREET, CARNOUSTIE, DD7 7PH****Existing South Elevation facing Dundee Street**

This application seeks a change of use from Diner and Play Centre to a Restaurant and Hot Food Takeaway. The building is vacant at present. The two businesses would be separate and each would operate independently.

The building is located on a busy street serving existing commercial businesses.

The servicing of the Restaurant will use the existing driveway on the east side of the building as it has done for a number of years now. Deliveries can park off-street. Waste removal will occur from a new dedicated store on the east side of the building, far removed from the residential property behind. The Takeaway unit will have its storage and waste store on the west side of the property.

The frontage to Dundee Street will see the existing window and door opening extended down to the ground, in order to maximise the light admitted to the building and an additional window and door will also be added.



**Existing South Elevation from the East.**

The Restaurant would have seating for 34 persons. Both businesses will be fully accessible. The facility would clearly be attractive to tourists as well as the local population. It is envisaged that 16 jobs would be created through this proposal.

There is no car parking dedicated to this property. The building is located on bus routes and is within easy walking distance of housing.



**Existing South-West corner.**

The site is noted as being of Medium Risk on the SEPA surface water map although there are no instances of flooding occurring. The site does not feature on the SEPA Future River Flooding Risk.

There are no trees on the site and there are no areas of soft planting.

Noise should not be an issue at this site as the activities proposed do not generate unacceptable levels and the access to both businesses are located away from the adjacent housing.

The kitchens will be provided with new, high level extraction equipment designed to meet the standard of odour control as laid down by Angus Council.

January 2022.

**DEVELOPMENT MANAGEMENT REVIEW COMMITTEE**  
**APPLICATION FOR REVIEW – 96 DUNDEE STREET, CARNOUSTIE**  
**APPLICATION NO 22/00041/FULL**  
**APPLICANT’S SUBMISSION**

**Page No**

<b>ITEM 1</b>	Notice of Review
<b>ITEM 2</b>	Appeal Statement
<b>ITEM 3</b>	Planning Application
<b>ITEM 4</b>	Design Statement
<b>ITEM 5</b>	Site and Location Plan
<b>ITEM 6</b>	Existing and Proposed Site Plan
<b>ITEM 7</b>	Existing Floor Plan
<b>ITEM 8</b>	Existing Front Elevations
<b>ITEM 9</b>	Existing Rear Elevations
<b>ITEM 10</b>	Proposed Floor Plan
<b>ITEM 11</b>	Proposed Front Elevations
<b>ITEM 12</b>	Proposed Rear Elevations



Angus House Orchardbank Business Park Forfar DD8 1AN Tel: 01307 473360 Fax: 01307 461 895 Email: 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 100524236-003

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:	<input type="text" value="Peter Inglis"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Peter"/>	Building Name:	<input type="text" value="Drumcairn"/>
Last Name: *	<input type="text" value="Inglis"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Address 1 (Street): *	<input type="text" value="Invergowrie"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="DD2 5EL"/>
Email Address: *	<input type="text" value="peteringlisarchitect@gmail.com"/>		

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="Munawar"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Mohammed"/>	Address 1 (Street): *	<input type="text" value="Session Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD1 5DN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="pidesign98@gmail.com"/>		

## 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="96 DUNDEE STREET"/>
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 7PH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="734547"/>	Easting	<input type="text" value="355826"/>
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## 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 diner and play centre to restaurant and hot food takeaway.

## 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.

See attached 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)

See attached list of documents.

## Application Details

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

22/00041/FULL

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

23/01/2022

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

04/07/2022

## 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

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 Peter Inglis

Declaration Date: 13/09/2022

**PROPOSED CHANGE OF USE,****96 DUNDEE STREET, CARNOUSTIE DD7 7PH****REF. NO. 22/00041/FULL****REASONS FOR THE APPEAL TO THE Local Review Board.**

1. Part of the existing building was already operating as a café. The refusal notice states that this application would introduce two new night-time economy businesses into a predominately residential area. We believe that this interpretation is inaccurate as the café element is being upgraded to a restaurant which would operate during the day and the hours of operation would be extended into the evening in this proposal. The small scale of the restaurant should be noted.
2. The former 'Happy Days Diner' advertised the sale of hot dogs and burgers, ie hot food, on the outside of the building.
3. The residential amenity would not be compromised by this proposal. There is a perception that odour and noise would emanate from the premises and surroundings whereas it is intended to install the latest technology to mitigate these. The Environmental Health Dept. requested that conditions to this effect should be put in place if the application was approved and this would be welcomed by the Applicant. Details of the mitigation measures are available on request. Regarding anti-social behaviour, there is nothing that any applicant can do to eliminate this, except by encouraging customers to respect the neighbours.
4. The building was formerly a fish & chip shop and before that a public house, we understand. There is a history of commercial/retail/ hot-food takeaway use activity taking place on this site.
5. At present the building is vacant and this proposal would bring some vitality back by enhancing the street frontage.
6. The area has mixed uses. There are a variety of uses which exist along Dundee Street, Carnoustie, ranging from hotel, public houses, restaurants, betting shop, furniture store, British Legion licensed club, to convenience stores. Dundee Street is a principal thoroughfare through the commercial core of Carnoustie and cannot be seen as being principally residential. We believe that this mixed use does permit the location of hot food takeaways.
7. The employment opportunities presented by this application. In the post-pandemic world that exists today, employment opportunities are to be welcomed and this proposal would create 10 new jobs.

September 2022



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 100524236-001

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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of use from diner and play centre to restaurant and hot food takeaway.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## 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:	<input type="text" value="Peter Inglis"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Peter"/>	Building Name:	<input type="text" value="Drumcairn"/>
Last Name: *	<input type="text" value="Inglis"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Address 1 (Street): *	<input type="text" value="Invergowrie"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="DD2 5EL"/>
Email Address: *	<input type="text" value="peteringlisarchitect@gmail.com"/>		

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="Munawar"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Mohammed"/>	Address 1 (Street): *	<input type="text" value="Session Street"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dundee"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="DD1 5DN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

## Site Address Details

Planning Authority:

Angus Council

Full postal address of the site (including postcode where available):

Address 1:

96 DUNDEE STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

CARNOUSTIE

Post Code:

DD7 7PH

Please identify/describe the location of the site or sites

Northing

734547

Easting

355826

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

294.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Vacant. Former diner and play centre

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

### Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

### Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

### Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

### Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Bin storage for recycling provided on site for both businesses.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

294

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No



## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Peter Inglis

On behalf of: Mr Munawar Mohammed

Date: 23/01/2022

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Peter Inglis

Declaration Date: 23/01/2022

## **Payment Details**

Online payment: 826273

Payment date: 23/01/2022 17:33:19

Created: 23/01/2022 17:33

**PROPOSED CHANGE OF USE****96-98 DUNDEE STREET, CARNOUSTIE, DD7 7PH****Existing South Elevation facing Dundee Street**

This application seeks a change of use from Diner and Play Centre to a Restaurant and Hot Food Takeaway. The building is vacant at present. The two businesses would be separate and each would operate independently.

The building is located on a busy street serving existing commercial businesses.

The servicing of the Restaurant will use the existing driveway on the east side of the building as it has done for a number of years now. Deliveries can park off-street. Waste removal will occur from a new dedicated store on the east side of the building, far removed from the residential property behind. The Takeaway unit will have its storage and waste store on the west side of the property.

The frontage to Dundee Street will see the existing window and door opening extended down to the ground, in order to maximise the light admitted to the building and an additional window and door will also be added.



**Existing South Elevation from the East.**

The Restaurant would have seating for 34 persons. Both businesses will be fully accessible. The facility would clearly be attractive to tourists as well as the local population. It is envisaged that 16 jobs would be created through this proposal.

There is no car parking dedicated to this property. The building is located on bus routes and is within easy walking distance of housing.



**Existing South-West corner.**

The site is noted as being of Medium Risk on the SEPA surface water map although there are no instances of flooding occurring. The site does not feature on the SEPA Future River Flooding Risk.

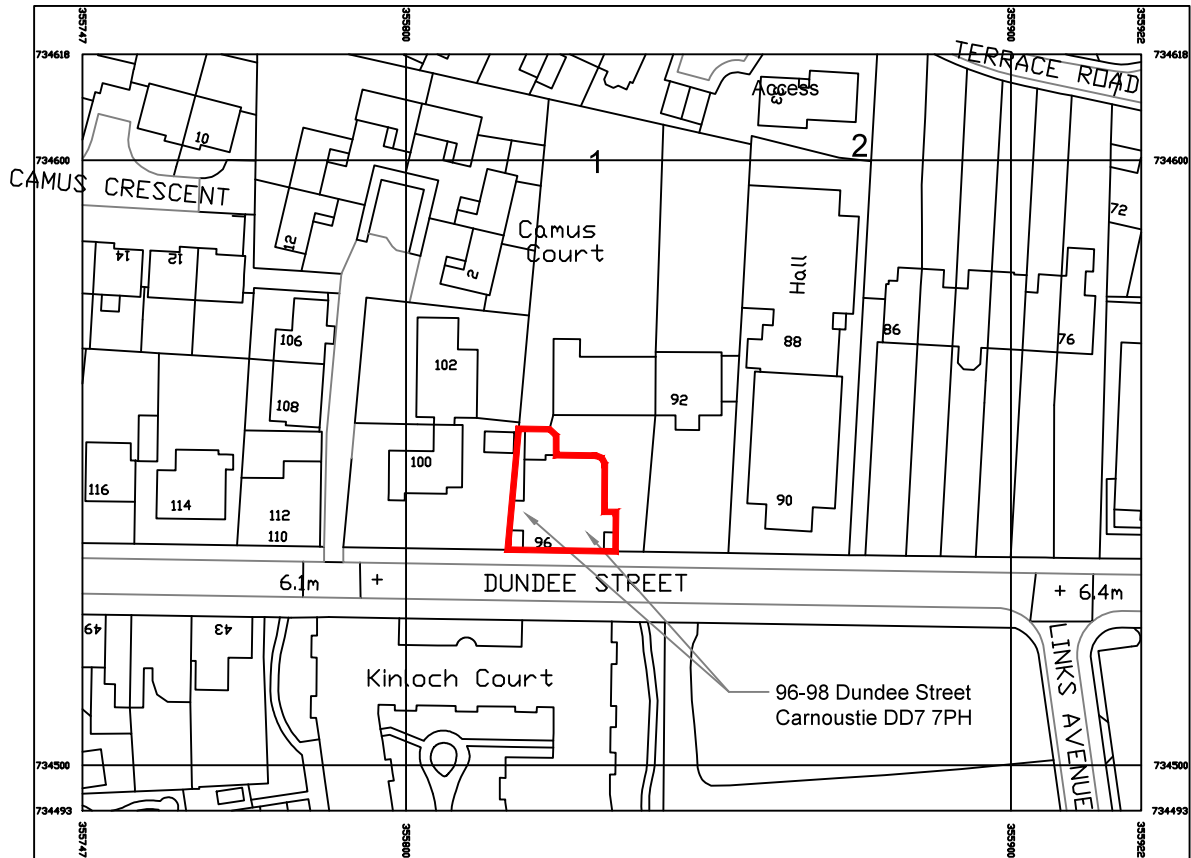
There are no trees on the site and there are no areas of soft planting.

Noise should not be an issue at this site as the activities proposed do not generate unacceptable levels and the access to both businesses are located away from the adjacent housing.

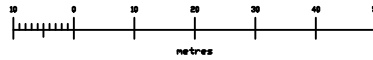
The kitchens will be provided with new, high level extraction equipment designed to meet the standard of odour control as laid down by Angus Council.

January 2022.

Ordnance Survey®  
Ukmapcentre.com



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**LOCATION PLAN**

1:1250

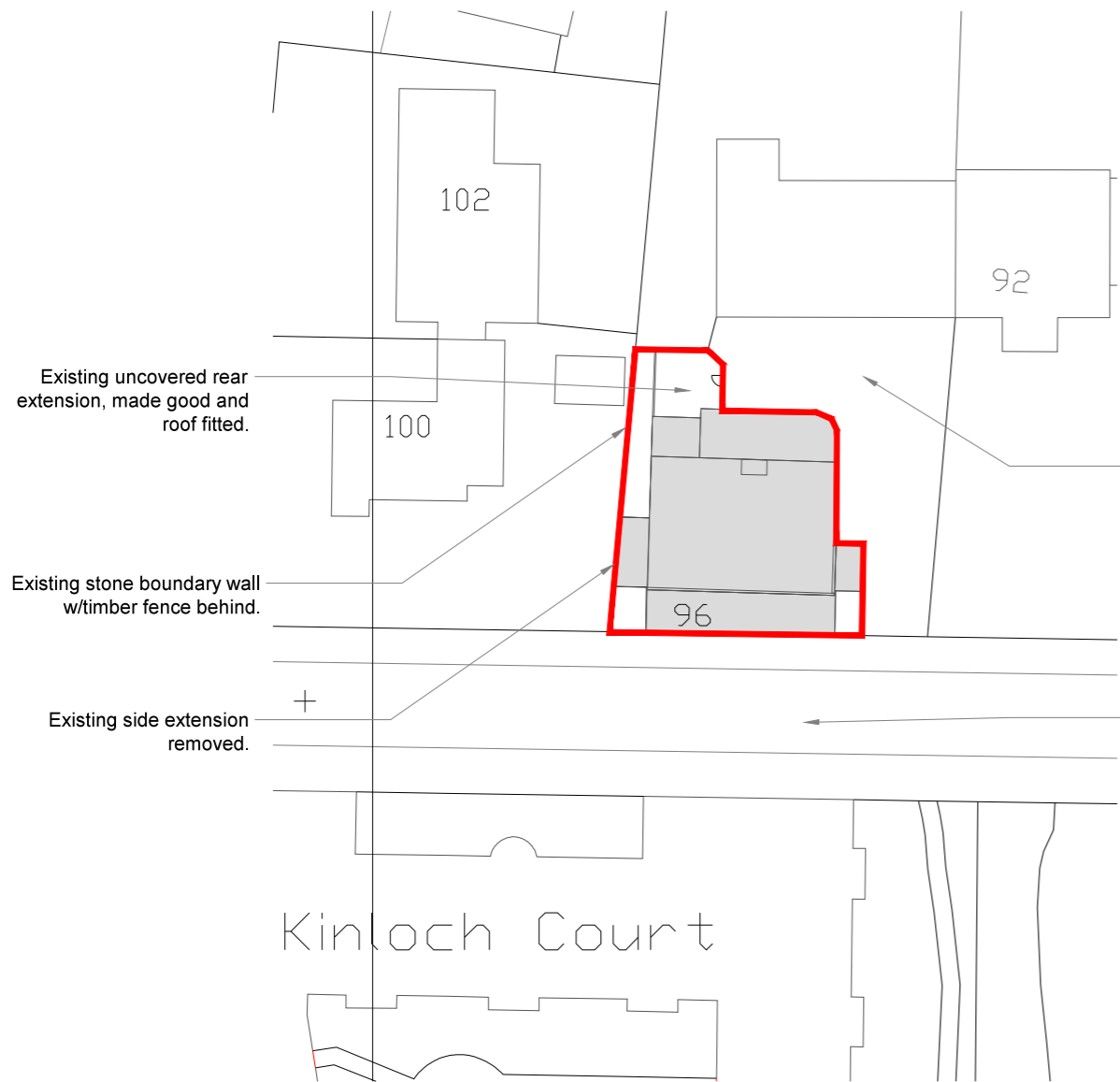
client <b>PROPOSED RESTAURANT &amp; TAKE AWAY</b>	date 21 12 21
address 96-98 DUNDEE ST, CARNOUSTIE DD7 7PH	drawn SJK
title LOCATION PLAN	checked SJK
	scale 1:1250

96-98 Dundee Street Location Plan.dwg

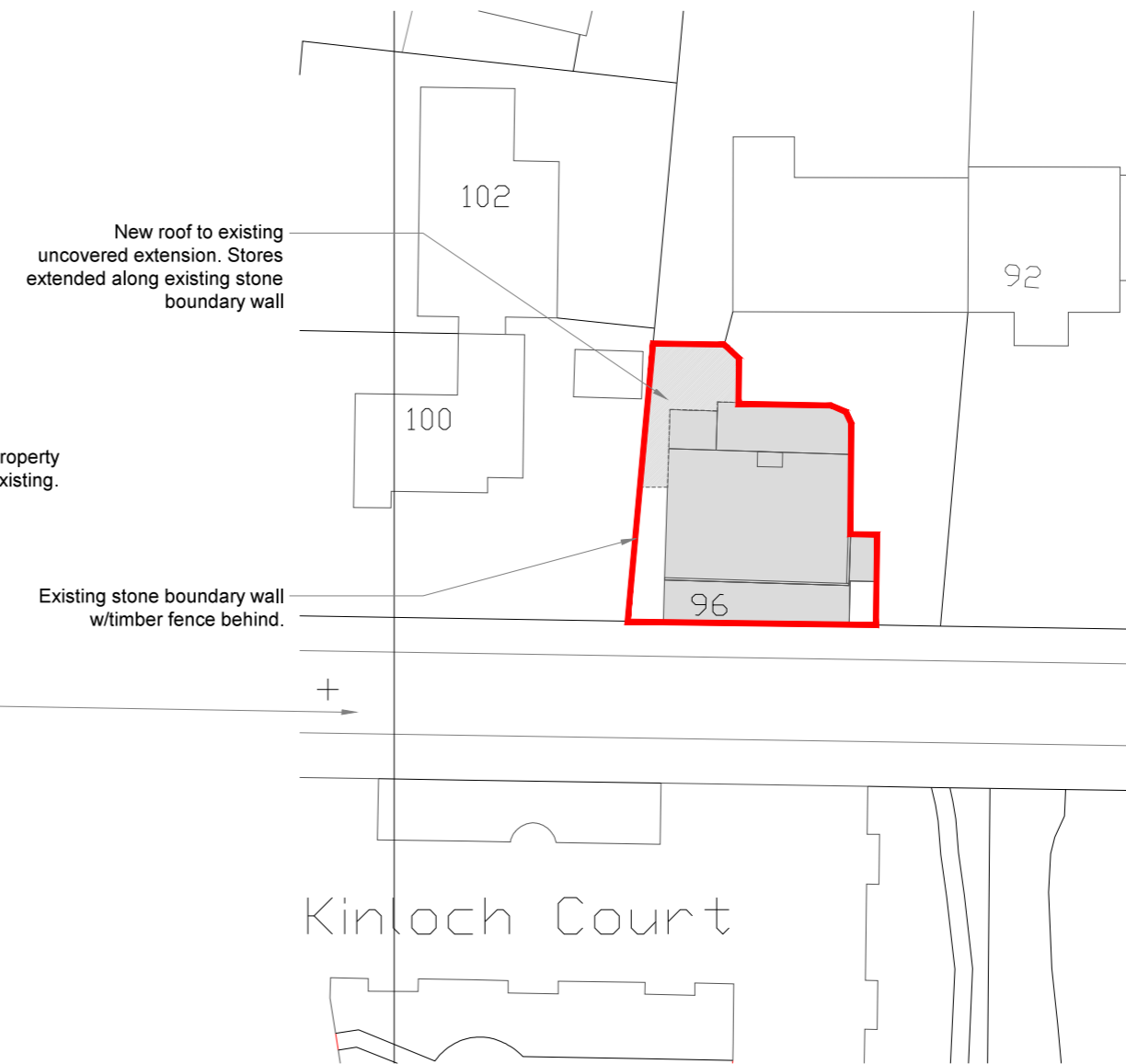
PLANNING	PI 2369	85-88 Dundee Road Location Plan.dwg	rev A100
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rev	description	date	by	checked

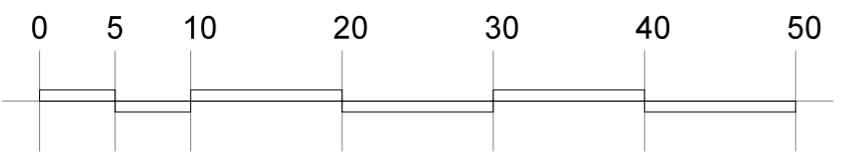
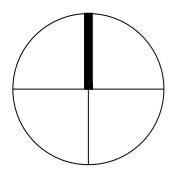
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported. Drawings to be read & fully understood before work commences.  
IF IN DOUBT ASK.



EXISTING SITE PLAN  
1:500



PROPOSED SITE PLAN  
1:500

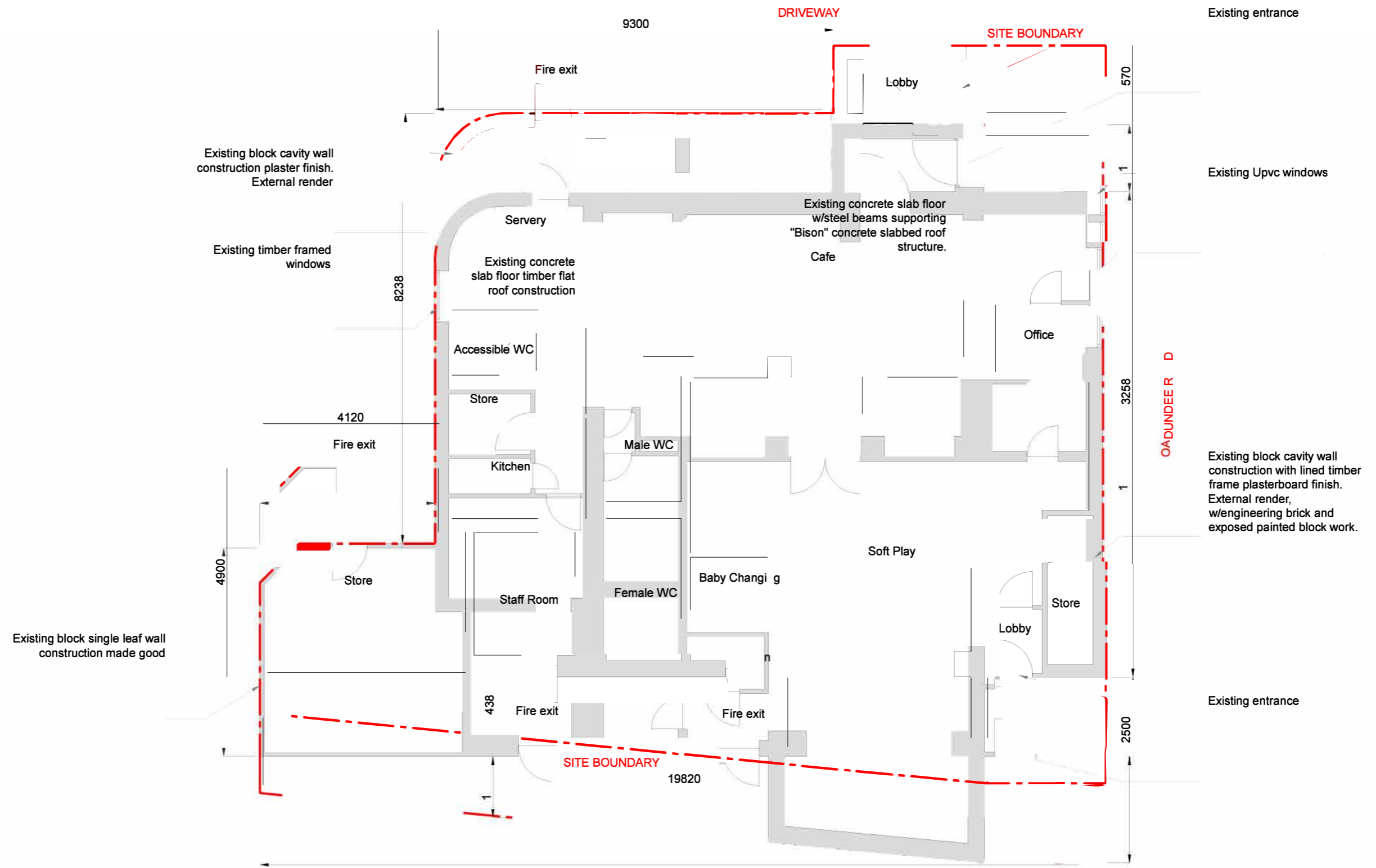


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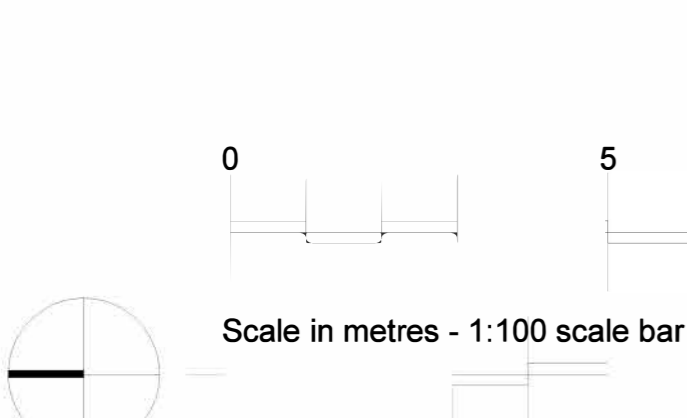
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address	96-98 Dundee Street, Carnoustie			drawn	SJK	checked	SJK
title	Existing and Proposed Site Plan			scale	1:500 @ A3		
job number	PI 2369			dwg no	A101		
rev	description			date	by	checked	rev

client	porcupine design 26 Muirpark Drymen G63 0DX			date	03 02 22		
address	96-98 Dundee Street, Carnoustie			drawn	SJK	checked	SJK
title	Existing and Proposed Site Plan			scale	1:500 @ A3		
job number	PI 2369			dwg no	A101		
rev	description			date	by	checked	rev





EXISTING FLOOR PLAN  
1:100

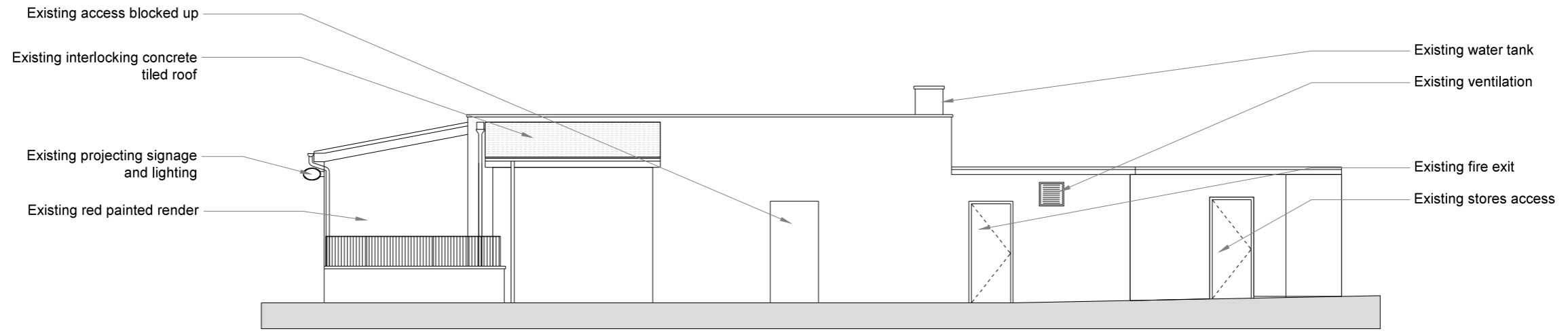


rev	description	date	by	checked
A	Boundary revised	03 02 22	SJK	✓

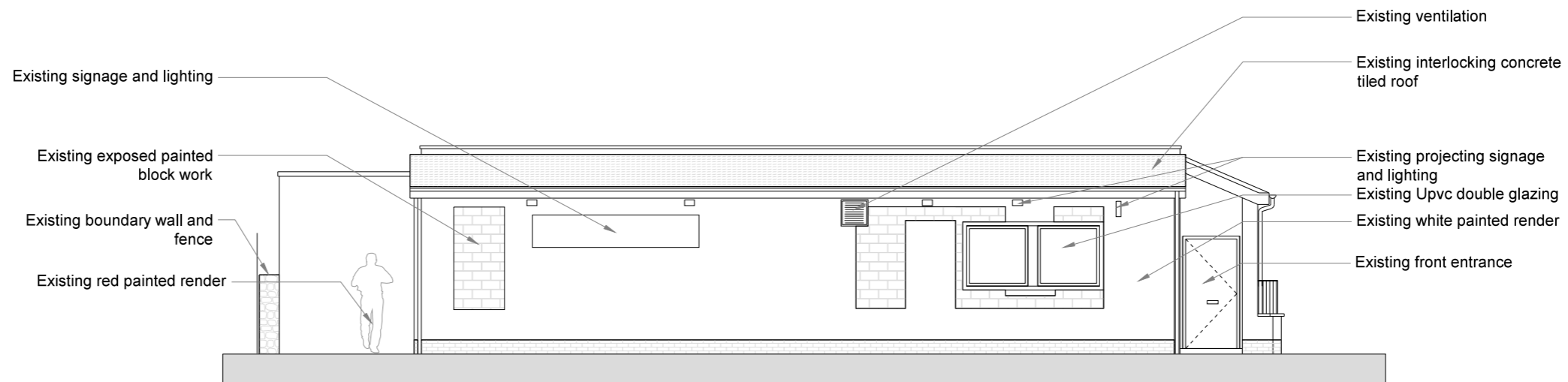
www.porcupinedesign.co.uk  
 DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design Drawings to be read & fully understood before work commences IF IN DOUBT ASK.

client <b>Restaurant &amp; Take Away</b>	date 0 11 21
address 96-98 Dundee Street, Carnoustie	drawn SJK
title <b>Existing Floor Plan</b>	checked ✓
	scale 1:100 @ A3

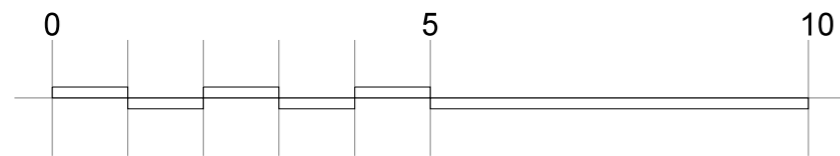
<b>EXISTING</b>	job n° <b>PI 2369</b>	rev <b>A</b>
	<b>A102</b>	



EXISTING SIDE (EAST) ELEVATION  
1:100

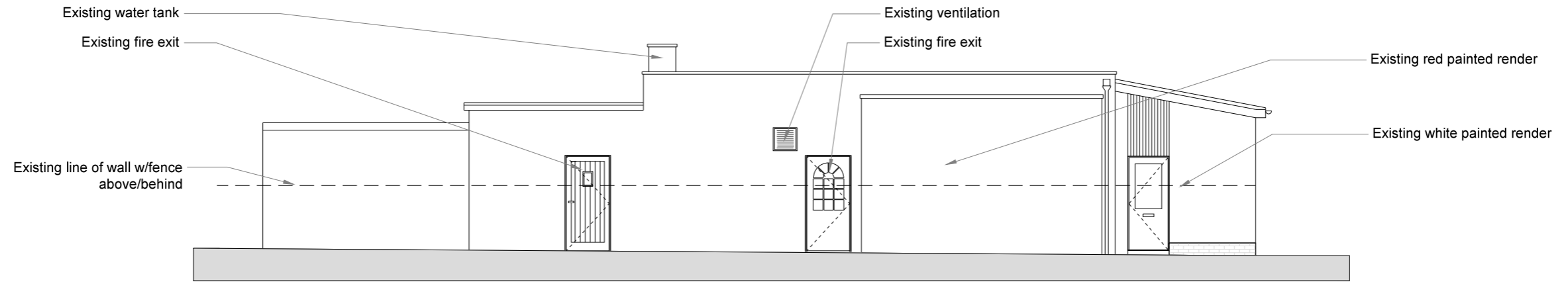


EXISTING FRONT ELEVATION  
1:100

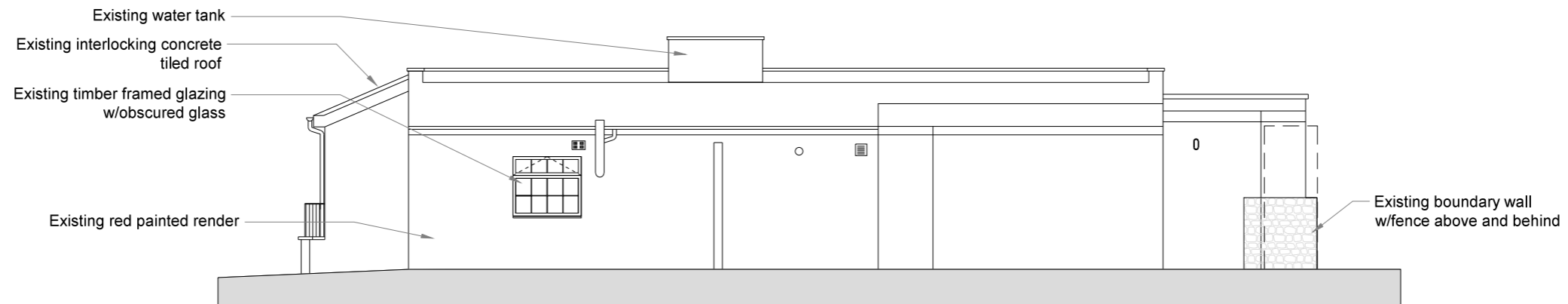


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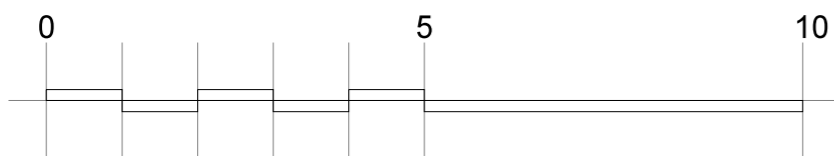
				client <b>Restaurant &amp; Take Away</b>		date 01 11 21	
				address 96-98 Dundee Street, Carnoustie		drawn SJK	checked ✓
				title Existing Front (South) Elevation and Side (East) Elevation		scale 1:100 @ A3	
				www.porcupinedesign.co.uk DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.		job number PI 2369	
rev description date by checked					EXISTING		dwg no A110
							rev -



EXISTING SIDE (WEST) ELEVATION  
1:100



EXISTING REAR ELEVATION  
1:100

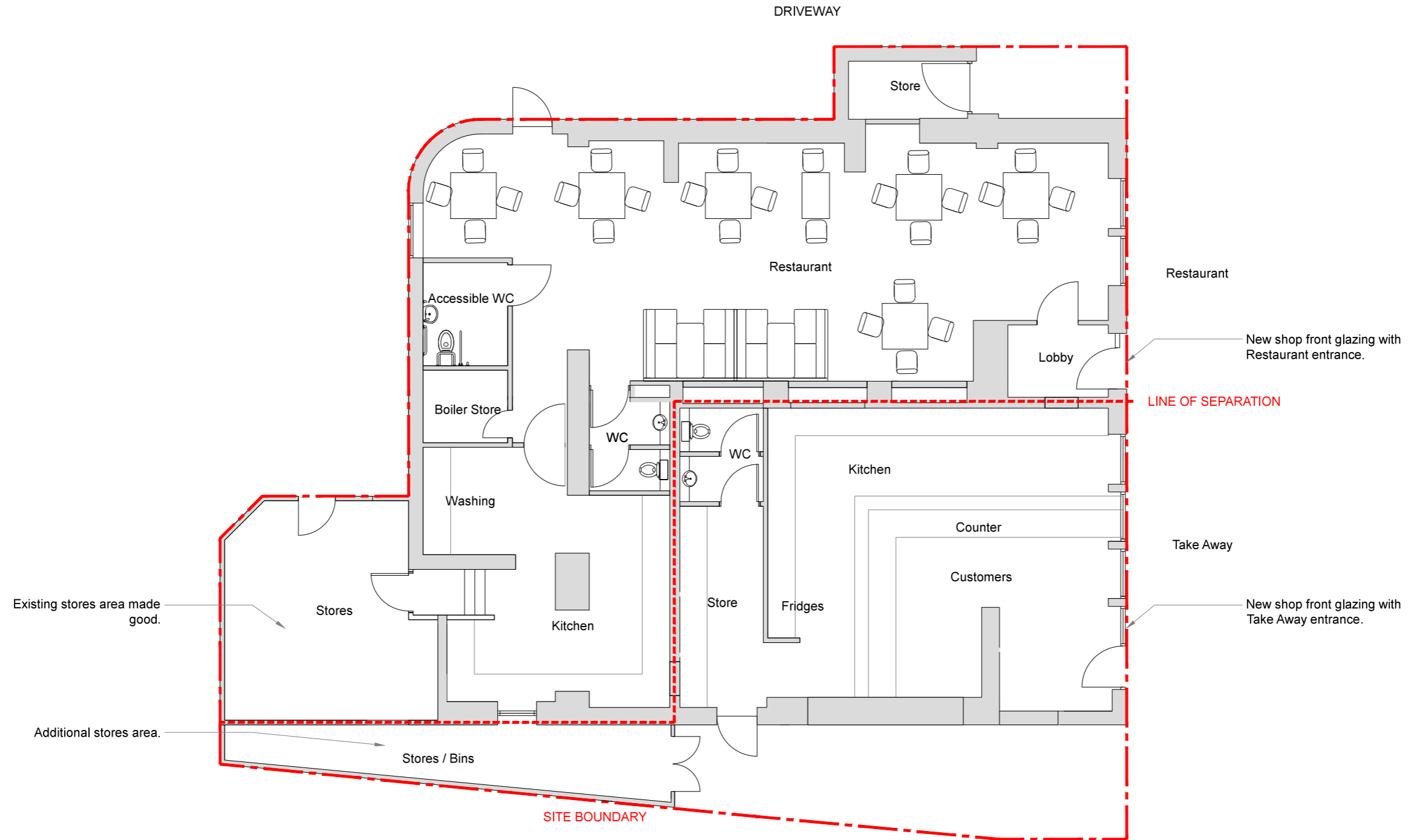


Scale in metres - 1:100 scale bar

rev	description	date	by	checked

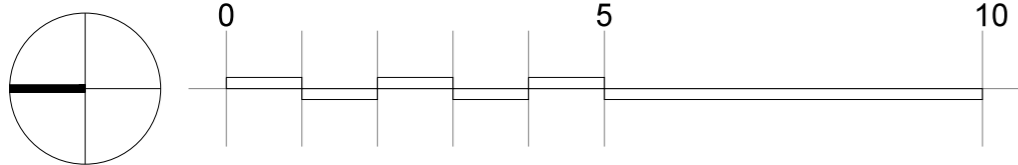
www.porcupinedesign.co.uk  
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.

client <b>Restaurant &amp; Take Away</b>	date 01 11 21
address 96-98 Dundee Street, Carnoustie	drawn SJK
title Existing Rear (North) Elevation and Side (West) Elevation	checked √
scale 1:100 @ A3	
job number <b>PI 2369</b>	dwg no <b>A111</b>
	rev -



PROPOSED FLOOR PLAN  
1:100

PROPOSED SITE AREAS  
TAKE AWAY = 109 SQ M  
RESTAURANT = 168 SQ M



Scale in metres - 1:100 scale bar

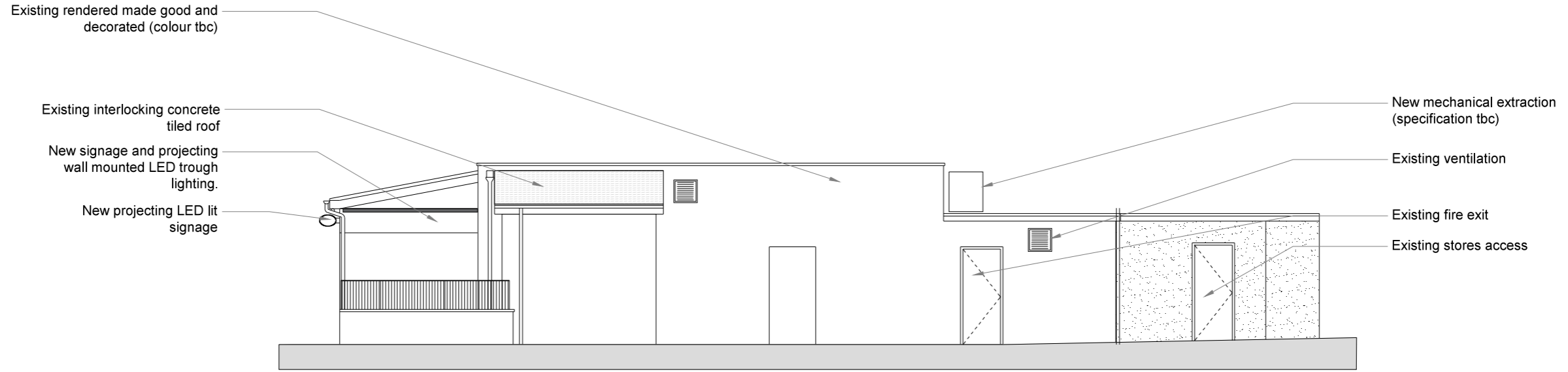
rev	description	date	by	checked
B	Boundary Revised	03 02 22	SJK	√
A	Stores Area revised	21 12 21	SJK	√

www.porcupinedesign.co.uk

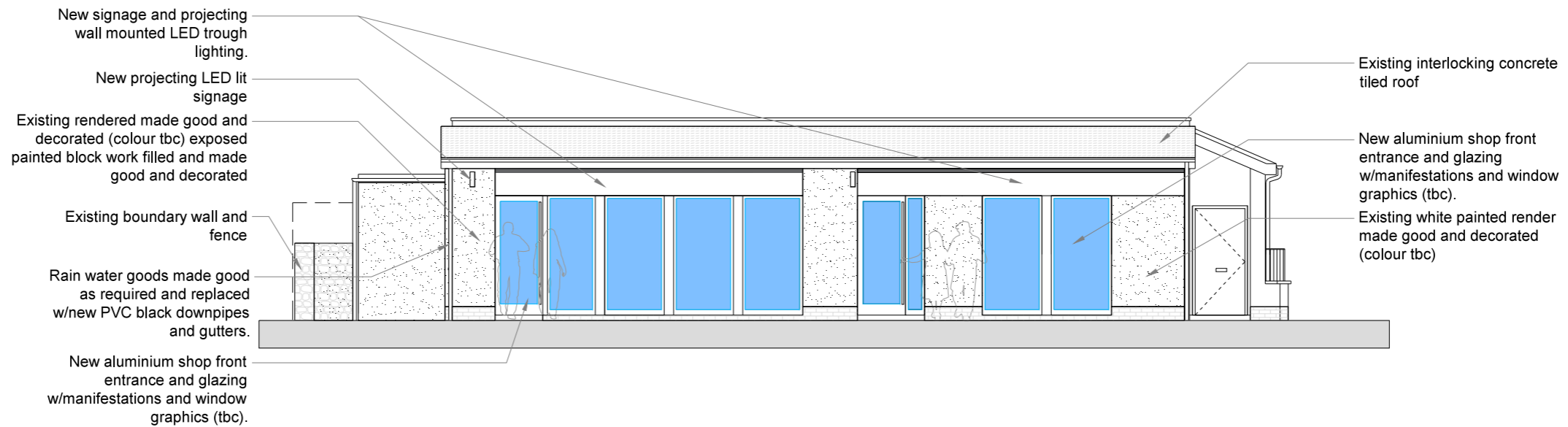
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.

client	<b>Restaurant &amp; Take Away</b>		date	01 11 21
address	96-98 Dundee Street, Carnoustie		drawn	SJK
			checked	√
title	Proposed Floor Plan		scale	1:100 @ A3
			job number	PI 2369
			dwg no	A200
			rev	B

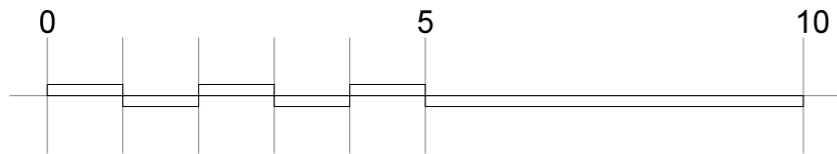
PLANNING



PROPOSED SIDE (EAST) ELEVATION  
1:100



PROPOSED FRONT ELEVATION  
1:100



Scale in metres - 1:100 scale bar

rev	description	date	by	checked

www.porcupinedesign.co.uk  
DO NOT SCALE. Use figured dimensions only. All dimensions, spot levels and drainage positions to be checked on site by Contractor prior to construction. Any discrepancies to be reported back to Porcupine Design. Drawings to be read & fully understood before work commences. IF IN DOUBT ASK.

client <b>Restaurant &amp; Take Away</b>	date 01 11 21
address 96-98 Dundee Street, Carnoustie	drawn SJK
checked √	scale 1:100 @ A3
title Proposed Front (South) Elevation and Side (East) Elevation	
job number PI 2369	rev no A210
<b>PLANNING</b>	

