

KEY INFORMATION

Ward Tay Bridges

Proposal

Conversion of vacant warehouse to a mixed use development including public houses, nightclub, restaurant and offices. Demolition of metal clad warehouse and out buildings to rear of site. Construction of single storey extension to rear.

Address

38 North Lindsay Street
Dundee DD1 1PN

Applicant

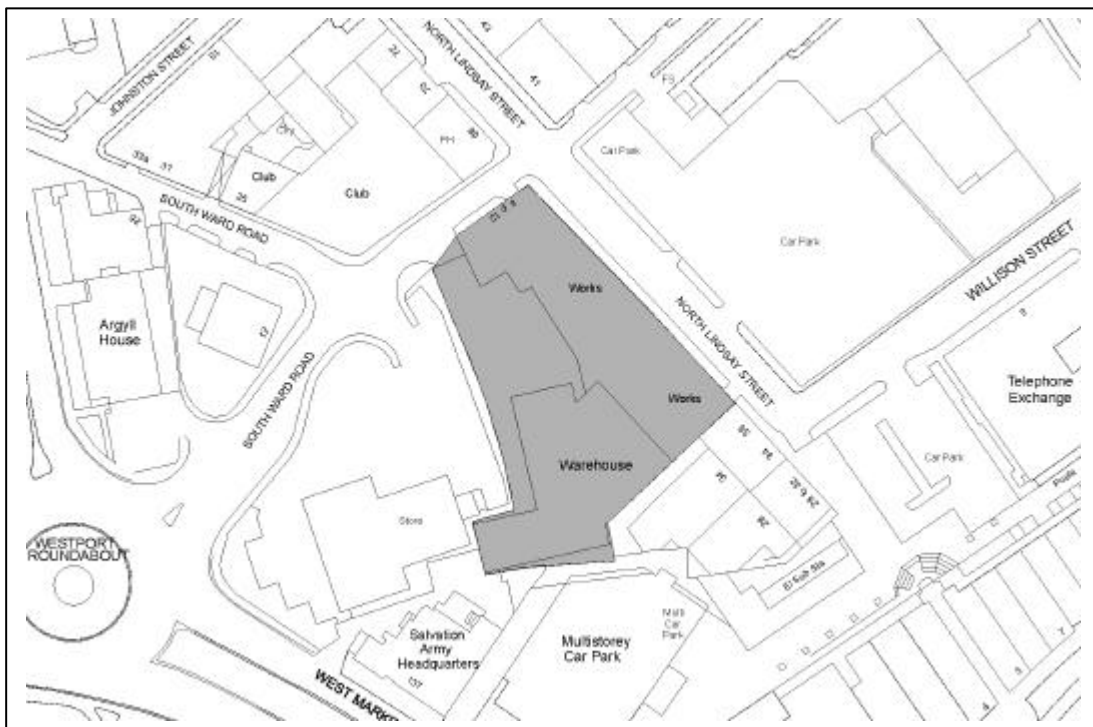
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Registered 7 Dec 2001

Case Officer Eve Jones



Redevelopment of Major City Centre Building for Public Houses, Nightclub, Restaurant and Offices

The conversion of vacant warehouse to a mixed use development including public houses, night club, restaurant and offices, demolition of metal clad warehouse and out buildings to rear of site and construction of single storey extension to rear is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed development brings an important Listed Building within the City Centre into beneficial use. It complies with policies and is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application is for the conversion of the existing four storey vacant warehouse and the demolition of the extensions and out buildings to the rear and their replacement by a single storey extension to the rear.
- The redevelopment will provide the following mixed uses
 - a 1,280 square metre public house on the ground and mezzanine floor.
 - a 1,125 square metre nightclub/public house on the ground and mezzanine floor.
 - a 600 square metre public house and restaurant on the ground and first floor.
 - two floors of offices with ancillary facilities, totalling 1530 square metres.
- The proposed development complies with National Planning Guidance regarding Listed Buildings and also complies with the relevant policies in the Dundee Local Plan regarding office use, licensed premises and works to Listed Buildings.
- The proposed alterations complement the character of the Listed Building and include reinstatement of original windows. A Noise Impact Assessment has been submitted and conditions agreed to restrict possible noise nuisance to nearby residents.
- The development represents beneficial use of a significant Listed Building which forms an important part of the street scene in this part of the City Centre.
- The application was previously reported to Committee on 25 March but was deferred to allow further discussions with regard to the design of the extension and improvements to the elevation of the Listed Building. Improved proposals have been submitted and are detailed in the report.

DESCRIPTION OF PROPOSAL

The application is for the conversion of the existing four storey vacant warehouse and the demolition of the extensions and out buildings to the rear and their replacement by a single storey extension to the rear. The redevelopment will be a mixed use development comprising:

- A 1,280 square metre public house on the ground and mezzanine floor.
- A 1,125 square metre nightclub/public house on the ground and mezzanine floor.
- A 600 square metre public house and restaurant on the ground and first floor.
- Two floors of offices with ancillary facilities, totalling 1,530 square metres.

The main elevations will have doors inserted at the base of the two storey arched windows which are a feature of the building and the vehicle accesses will be replaced by simple glazed screens. On the rear elevation of the original building, windows which were previously bricked up, will be reinstated. The rear extension is designed to reflect traditional industrial buildings with parallel pitched roofs although the details of the exposed roof trusses will be modern in style and materials. There will be a rear service yard accessed from South Ward Road screened by the existing high wall which bounds the site.

The application was previously reported to Committee on 25 March but was deferred to allow further negotiation on design matters. Revised treatment to the rear elevations has resulted from discussions with the applicant.

SITE DESCRIPTION

The site is roughly rectangular with a principal elevation to North Lindsay Street comprising an imposing four storey stone building. The building has a side gable and less impressive three storey tenement to South Ward Road. The existing buildings to the rear are one, two and three storey brick extensions and metal clad industrial

buildings around a service yard with vehicle access from South Ward Road. There is a high stone wall to the adjoining supermarket to the south west. Existing night clubs and a public house occupy the buildings to the north side of South Ward Road. There is tenemental property adjoining the main building on North Lindsay Street with hot food take aways on the ground floors and offices and residential flats on the upper floors. There is a car park on the east side of North Lindsay Street. The site lies within the City Centre, close to the Overgate and the multi storey car park on West Marketgait.

The building is a Category B Listed Building.

POLICY BACKGROUND

National Planning Policy Guidance (NPPG 18) - Planning and the Historic Environment.



Para 12 states that in the determination of an application for development affecting a Listed Building, the planning authority is required to have special regard to the desirability of preserving the building and any features of special architectural or historic interest which it possesses.

The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 advises that new uses for old buildings may be the key to their continued survival. As a result, it may be justifiable for Planning Authorities to relax control over use, zoning, density or other restrictions to enable an historic building to be given a new lease of life.

Dundee Local Plan 1998

Policy S30 - Areas of No Change. The policy covers areas of the City Centre which are not residential in character and where it was not anticipated that any change to the existing primary uses would take place during the plan period.

Policy EU24 - Central Area-Offices outside Office Sector. The policy covers proposed office uses outside the designated office sector and has a presumption against such uses where they involve loss of residential accommodation. As this building is not currently in residential use, the development complies with this policy.

Policy BE 15 - Alternative Uses for Listed Buildings. The policy encourages suitable alternative uses to secure the future of Listed Buildings having regard to other policies in the plan.

Policy BE 17 - Alterations to Listed Buildings. The policy identifies that these are only acceptable where proposals have regard to the restoration or enhancement of the building's architectural or historic character.

Policy LT8 - Licensed and Hot Food Premises. The policy identifies distance criteria between such premises and existing or proposed housing.

However, Policy LT8 as revised indicates that the restrictions do not apply in the City Centre provided adequate measures are included to deal with possible

nuisance from smell, noise, litter or parking

LOCAL AGENDA 21

The proposal complies with the Council's objectives to use resources efficiently and minimise waste; to provide access to facilities and services; to provide opportunities for leisure in a readily accessible location and to protect local distinctiveness.

SITE HISTORY

D24530 and DLB 01787 - Alterations and extensions to building to form two hotels. Applications withdrawn. 7 February 2001.

D25073 - Change of use from warehouse to office, leisure, bar and

restaurant uses. Application declared invalid 2 November 2001. Partner Listed Building application, DLB 01879 was withdrawn.

01/30475/LBC is the current Listed Building application for this proposed development and is also on this agenda.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a Bad Neighbour development. No objections were received.

CONSULTATIONS

The Director of Environmental and Consumer Protection sought a Noise Impact Assessment for the development in view of the type of uses proposed and the proximity of residential properties in the adjoining tenement. Following submission of the NIA, appropriate planning conditions have been agreed with ECPD.

OBSERVATIONS

The determining issues for Committee are:

- 1 Whether the proposed development complies with National Planning Guidance and the policies of the Dundee Local Plan; and if not
 - 2 Whether there are any material considerations of relevance to the determination of the application which would support the grant of planning permission.
- 1 National Planning Guidance supports suitable alternative uses for Listed Buildings in order to ensure their retention provided any alterations protect and enhance the character of the building.

Dundee Local Plan 1998

Policy S20 did not envisage major change to the existing uses in this area. However, the policy does not preclude acceptable changes provided they comply with other policies in the plan.

Policy EU 24 - the proposed office use on the upper two floors complies with this policy.

Policy LT 8 - Licensed Premises (as revised). Subject to noise restrictions, the proposed use complies with the policy, as the site is located in the City Centre. The majority of the floorspace of the two larger, public house units is provided in the new build extensions to the rear, which can be designed and built to provide improved sound insulation. The smaller pub/restaurant, which is accommodated in the existing building, is the furthest away from the residential units and the least likely to generate noise nuisance. As detailed above, a Noise Impact Assessment has been submitted and appropriate conditions agreed with the Director of Environmental and Consumer Protection.

With regard to nuisance from smells, the residential flats adjoining this site have both existing hot food take aways and ground floor premises with planning permission for proposed hot food take aways. The provision of kitchens in the development site is unlikely to result in increased smell nuisance for the residents.

There is a vehicle service access and yard to the rear and 12 parking spaces. As the site lies within the City Centre, opposite a surface car park and close to a multi storey car park, it is not considered that parking is required to serve the licensed premises.

Policies BE 15 and BE 17 - Alternative uses and Alterations to Listed Buildings. These policies support alternative uses and alterations and extensions provided the works have regard to the architectural and historic character of the building and seek to protect and enhance its character. The buildings to be demolished to the rear are later extensions of no merit. The proposed single storey extensions to the rear reflect the typical style of many industrial buildings particularly the parallel, pitched roof plan. The Listed Building will be predominantly unchanged other than the insertion of doors at regular intervals in the main frontage within the two storey

arched windows which are a feature of the elevation. The Windows on the rear elevation on the upper two floors which have previously been bricked up will also be reinstated. The former vehicle accesses will be replaced by simple glazed panels. The proposed development complies with these policies.

2 Material Considerations

Parking Requirements - Given the location of the development within the City Centre and the proximity of car parks, the proposed car parking within the site is considered to be acceptable for operational uses and servicing.

The site lies within the City Centre and within the proposed Cultural Quarter. There are other public houses, restaurants and night-clubs in the vicinity. This proposal will add to the vitality and diversity of such uses within this area.

Design

The application was previously reported to Committee on 25 March but was deferred to allow further discussion with regard to the design of the alterations and the extension.

The proposed alterations to the principal elevations of the Listed Building are sympathetic to its architecture and original windows will now be reinstated. The design and materials proposed for the extension to the rear are acceptable and echo traditional industrial buildings. There was an opportunity to provide an interesting, modern or complementary design which would offer a contemporary contrast to the traditional building. However, the architect has chosen to reflect a traditional style of building but with modern materials and details reflected in the exposure of the gable truss and modern style fire doors. The site is located behind a high boundary wall which screens the new extension from view.

CONCLUSION

It is considered that the proposed development both in terms of the mixed uses and the alterations and extensions proposed to the Listed

Building comply with the National Planning Guidance and the policies in the Dundee Local Plan 1998. There were no objections to the proposal and it is recommended for APPROVAL subject to conditions.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 Samples of the finishing materials proposed to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.
- 3 Details of any materials to be used for repair or reinstatement of the building to be retained shall be submitted to the Council for approval prior to the commencement of any works and if approved, the works shall be carried out only in accordance with such approved materials.
- 4 Full details of all proposed new windows and doors shall be submitted to the Council for approval prior to the commencement of development and if approved, works shall be carried out only in accordance with such approved details.
- 5 All amplified music and vocals shall be so controlled as to be inaudible within the nearest noise sensitive residential accommodation.
- 6 Prior to the commencement of any of the uses hereby approved, the parking and servicing area to the rear shall be laid out and shall be available for use at all times.
- 7 The reinstatement of the windows to the rear, the stair towers and the installation of services and utilities for the offices hereby approved shall be completed and the office floorspace shall be available for occupation prior to the first use of any of the ground floor public house units.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
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- 5 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.
- 6 To ensure that adequate manoeuvring and parking space is available to serve the development in the interests of traffic safety.
- 7 In order to ensure that the whole of the building is renovated and made available for use in the interests of restoration of the Listed Building which forms an important feature of the streetscene in this part of the City Centre.