

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from Public House to an extension to existing Restaurant with external alterations

Address

2-4 Nethergate
Dundee
DD1 4EY

Applicant

Pizza Hut (UK) Ltd
1 Imperial Place
Elstree Way
Borehamwood
Herts
WD6 1JN

Agent

Harrison Ince Architects
2 Jordon Street
Knott Mill
Manchester
M15 4PY

Registered

17 December 2001

Case Officer

Rory Anderson



Change of Use from Pub to Restaurant Extension at Nethergate

Change of use from Public House to an extension to existing Restaurant with external alterations is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed alterations to the ground floor frontage will provide a modern dynamic look in keeping with the building and wider area. The change of use to premises ancillary to the restaurant complements the main retail function of the city centre. The proposed extraction system will ensure that the amenity of surrounding properties is maintained. Accordingly the application is recommended for approval subject to conditions.

SUMMARY OF REPORT

- Full Planning permission is sought for the Change Of Use of basement premises, previously a public house, to a restaurant at 2-4 Nethergate.
- The premises are located within the Outstanding Central Conservation Area and are part of a category B listed building.
- The proposal raises issues to consider in terms of policies BE1, BE3, BE6, BE7 BE11, BE17, S5 and LT8 of the Dundee Local Plan 1998.
- One letter of objection was received regarding potential noise and odour pollution.
- It is considered that the proposal makes a positive contribution to the area in design terms and sufficient measures have been taken to alleviate potential noise and odour problems.

DESCRIPTION OF PROPOSAL

It is proposed to change the use of an existing vacant public house at basement level into part of the "Pizza Hut" restaurant, which currently operates at ground floor level. The change of use does not involve alterations to any notable building fabric and involves a bar and offices/store rooms being used as kitchens, staff rooms and storage areas. The ground floor, which currently has a seating area with kitchens and offices, will be used exclusively for seating. The application includes alterations to the existing shopfront to a more traditional style, reflecting the status of the building and its position in the city centre. The existing shopfront comprises three sets of full-length aluminium doors with mock black granite panelling surrounds. The adjacent entrance door is in a similar style, but is recessed by some 1m from the main shopfront. The entrance door to the basement is next to and on the same plane as the main doorway. A deep plastic fascia board with pelmet lighting is sited above the shopfront with a sign of for the pub further to the west. It is proposed that the shopfront be altered to incorporate aluminium framed windows on stainless steel clad stallrisers, with the main doorway remaining recessed and clad in a heavy stainless steel frame incorporating full length glass doors. The existing basement doors are to be altered to form a fixed pane with stallriser to match the remainder of the shopfront. This pane will be on the same plane as the main shopfront, which will emphasise the recessed doorway and give a more traditional appearance. The mock black granite panels will be removed to expose the stone work underneath whilst the fascia boards are also to be removed exposing a dentil course and stonework below allowing a new sign to be installed directly onto the stone. A new ventilation system is also proposed which will involve mainly internal ducting and existing extractor fans on the eastern elevation and the roof.

SITE DESCRIPTION

The premises are located on the south side of the Nethergate, some 20m south west of its junction with Crichton Street. To the north is the Overgate shopping centre, to the east is

a travel agents, to the west is a building society and to the south is the rear of properties in Union and Crichton Street which are a mix of offices and residences. Office uses are also directly above the restaurant. To the east of the site is a small alleyway, which separates the premises from adjacent properties. There are currently 10 extraction units/fans and five ventilation outlets on the eastern elevation. The building forms part of a terraced block, is category B listed and within the Outstanding Central Conservation Area.

POLICY BACKGROUND

NPPG 18 para 43 indicates that proposals to listed buildings which would bring benefits to the community particularly by contributing to the economic regeneration of an area or the enhancement of its environment should be supported.

The Memorandum of Guidance on Listed Buildings and Conservation Areas gives specific advice on the enhancement of shopfronts on listed buildings. Paragraph 1.2.12 indicates that proposals to restore and expose original details should be supported. It



further suggests that replacement of unsympathetic modern shopfronts should be supported where a more sensitive design is proposed.

Environment Policy 13 of the Tayside Structure Plan 1993 and more recently Environmental Resources Policy 6 of the Finalised Dundee and Angus Joint Structure Plan 2001- 2016 supports proposals for development that makes a positive contribution to the character and appearance of listed buildings and the setting of Conservation Areas.

The property falls within an area covered by Policy S5 of the Dundee Local Plan 1998 identified as a secondary retailing area. This zoning supports the use of ground floor

premises for uses within Classes 1,2 and 3 of the Uses Classes Order 1997.

Policy BE1 advocates that new development will be expected to meet the highest design standards by relating to its immediate and wider surroundings.

Policy BE3 encourages the use of appropriate and imaginative materials for new developments, which are in harmony with their surroundings, especially in Conservation Areas and main approaches to the city.

Policy BE6 considers the effects that advertisements will have on listed buildings and conservation areas.

Policy BE7 indicates that new shopfronts and adverts should respect the scale and features of buildings they are part of as well as retaining and exposing traditional design details.

Policy BE11 indicates that development in Conservation Areas should complement and enhance the character of that area.

Policy BE17 states that alterations to a listed building will only be acceptable where proposals have regard to the restoration or enhancement of its architectural and historic character.

Policy LT8 requires that proposals for hot food premises in the city centre demonstrate that adequate measures have been taken to mitigate against problems of noise and odours.

LOCAL AGENDA 21

In Dundee 21: "Towards a Sustainable Future" diversity and local distinctiveness are valued and protected.

SITE HISTORY

The site has a considerable planning history. The following applications are relevant.

DADV02617 - erection of illuminated fascia sign - approved 16th April 1997.

DLB01377 - erection of illuminated fascia sign - approved 16th April 1997.

D15159 - Alterations to shopfront - 22nd May 1990.

PUBLIC PARTICIPATION

Statutory neighbour notification has been carried out and the application

has been advertised under Section 34 (Bad Neighbour). One letter of objection has been received. The main issues arising relate to the potential noise and smells from proposed extraction ventilators. This issue will be considered in the "Observations" section of the report.

CONSULTATIONS

The Director of Environmental and Consumer Protection had raised concerns about the presence of extraction fans on the eastern elevation and their proximity to noise sensitive properties. A noise survey was sought from the applicants, which indicated that likely noise levels would be unacceptable when the ventilation system was in operation. The applicants have agreed to modify the system to reduce noise to within tolerable limits. ECPD are now satisfied that noise and odour are unlikely to be a significant problem for neighbours.

No other adverse comments have been received.

OBSERVATIONS

The main issues for the committee to consider are: -

- 1 Does the proposal conform to national guidance and local plan policy;
- 2 Does the proposal represent potential amenity problems for neighbouring land uses?

National guidance in the form of NPPG 18 and the Memorandum on Listed Buildings and Conservation Areas supports alterations to listed buildings and new development in Conservation Areas where the proposal will enhance the character and appearance of the building and surrounding area. The proposed shopfront design involves new innovative materials, such as aluminium and stainless steel, within a traditional format. It presents a fresh, contemporary look to an existing shopfront of little architectural value, which contributes little in terms of design or to the dynamics of this area of the city centre. In addition to this the exposure of the natural stone walls, features such as the dentil course and the symmetrical appearance of the shopfront when viewed with the upper

floors ensures that the proposal enhances the character and appearance of the listed building and Conservation Area, conforming to national guidance. For the same reasons the proposal conforms to Environment Policy 13 of the 1993 Structure Plan, Environmental Resources Policy 6 of the Finalised Angus and Dundee Joint Structure Plan 2001 - 2016 and also BE1, BE3, BE7, BE11 and BE17 of the Dundee Local Plan 1998.

The proposed advertisement (which is the subject of a separate application but contributes to the shopfront improvements) will be made of Perspex with individually illuminated letters. It is of a scale and design, which is sympathetic to the shopfront and will be fixed directly to the exposed stone fascia. An aluminium projecting sign circular in shape and illuminated via two discreet spotlights is proposed above the main door. These signs are in keeping with the character and appearance of the listed building and the Conservation Area and accordingly in line with policy BE6.

With regard to Policy S5, the site falls within an area identified as a secondary shopping area within the city centre. This policy indicates that uses falling within Classes 1, 2 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are acceptable at ground floor level. The existing restaurant is at ground floor level and falls within class 3. The change of use of the basement to uses ancillary to the restaurant will also bring it within this use class. Therefore the proposal is acceptable under policy S5.

Policy LT8 of the local plan looks to ensure that sufficient measures have been taken to reduce noise and smells emanating from hot food premises. In this case the site is adjacent to residential and office uses and the proposed extraction systems have the potential to cause problems. This was a point raised by ECPD and the objectors. A noise survey was submitted that showed potential noise was above acceptable levels as indicated in PAN 56. A revised ventilation system was proposed which is in line with PAN 56 and ECPD have indicated it is acceptable from a noise and odour viewpoint. This information has been conveyed to the objectors who are now satisfied with

arrangements. However the letter of objection has not been withdrawn. The proposal is in conformity with policy LT8.

DESIGN

Particularly in relation to the shopfront improvements, the proposals represent a significant improvement to the existing building. The materials to be used i.e. aluminium, stainless steel and individual Perspex lettering for the sign are bright, innovative and present a modern look incorporating traditional features. The exposure of the stone work and dentil course will enhance the appearance of the listed building overall and help link the ground floor premises to the upper floors while the main recessed doorway lines up with a series of bay windows. It is considered that the design of the shopfront will enhance the appearance of the listed building and the setting of the conservation area.

CONCLUSION

It is considered that the proposed alterations to the ground floor frontage will enhance the appearance of the building providing a modern dynamic look in keeping with the building and the wider area. The proposed change of use of the basement is viewed as being complementary to the main retail function of the city centre. The proposed extraction system will ensure that the amenity of surrounding properties is maintained. Accordingly the application 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 If the stonework below the existing fascia board and mock granite panels on the shopfront is, in the opinion of the planning authority, in a condition which would be detrimental to the appearance of the shopfront, an alternative wall covering should be agreed in writing to the satisfaction of the planning

authority and once agreed maintained as such thereafter.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of the satisfactory appearance of the building.