

KEY INFORMATION

Ward East Port

Proposal

Change of use from vacant shop to form extension to lounge bar

Address

5 Albert Street
Dundee
DD4 6NS

Applicant

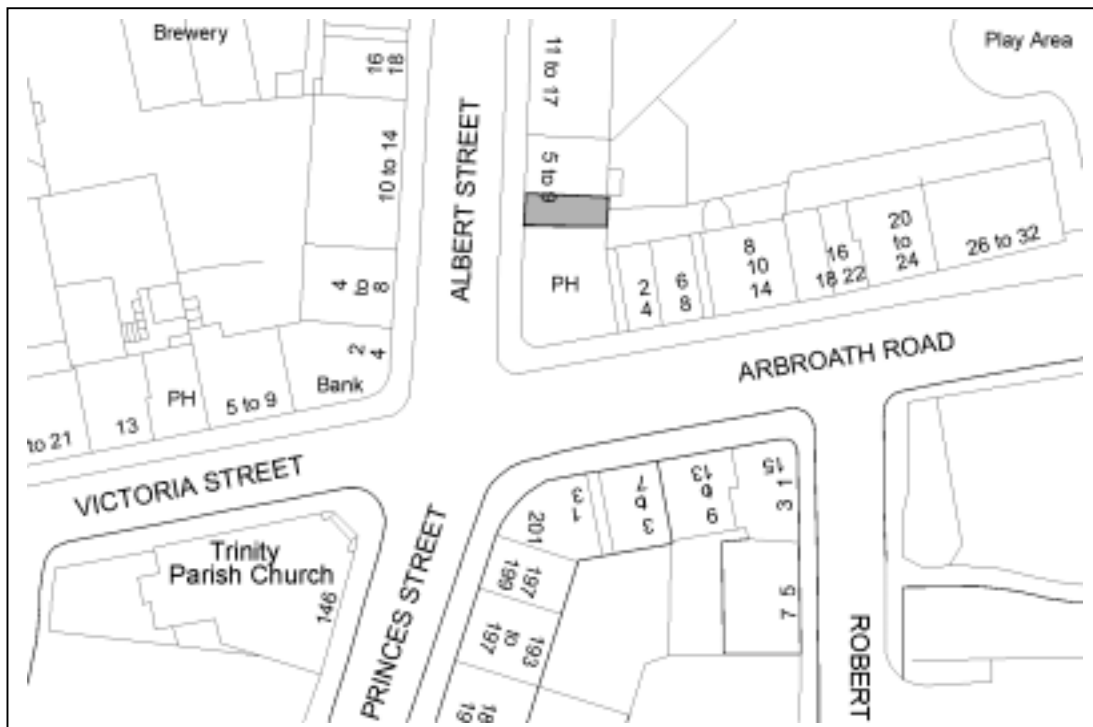
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Registered 15 May 2002

Case Officer J Finlay



Proposed Extension to Existing Lounge Bar in Albert Street

A change of use from a vacant shop to form an extension to a lounge bar is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use from vacant retail unit will form a small extension to an established public house and provide additional seating for the lounge area. In these circumstances it is considered that there are grounds for approving the proposed development as a condition can ensure that any potential noise is inaudible within the flats above the premises. Therefore the application is recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Planning permission is sought for change of use from vacant retail unit at 5 Albert Street, Dundee to form an extension to a public house. The proposed floor area is approximately 30sq metres and the extension will provide additional seating for the lounge area.
- The application was advertised as contrary to Policy LT8 as there are flats directly above and adjacent to the premises. No objections were received from adjacent neighbours or other bodies.
- The Director of Environmental and Consumer Protection states concerns about potential noise disturbance for the residents above the premises. Should planning permission be granted, a condition should be attached to ensure that any noise from music and/or television within the lounge area is inaudible within the flats.

DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use from vacant travel agency at 5 Albert Street, Dundee to form an extension to an existing public house at 1-3 Albert Street. The approximate floor area is 30 sq metres and the plans indicate that additional seating will be provided for the lounge. The proposal also includes a new timber shopfront and door and glazed clerestorey.

SITE DESCRIPTION

The application site is a vacant travel agency located at ground floor level on the east side of Albert Street. Three floors of flats are located above. The premises are located within a stone tenement building. The existing shopfront is mainly glazed. The existing public house frontage is painted black and has a black fascia sign with gold lettering. There is a dental surgery above the existing public house and shops on the opposite side of Albert Street and Arbroath Road.

POLICY BACKGROUND

Dundee Local Plan 1998

LT8 (as revised): Outwith the City Centre no licensed premises are acceptable within 30 metres of existing and proposed housing if the outlet does not exceed 150 square metres gross floorspace. The applicant will be required to demonstrate to the satisfaction of the Planning Authority that adequate measures have been incorporated into the proposal to avoid any nuisance the use might cause by virtue of smell, noise, litter and parking.

BE7: New shopfronts and adverts should respect the scale and architectural features of the building they are within and those of the surrounding area. The retention, restoration and uncovering of traditional design features where unsympathetically covered, such as fascias, pilasters, cast iron work etc will be encouraged.

LOCAL AGENDA 21

The proposed development is of such a small scale that it is not considered to

have an adverse impact on the policies of the Council's Local Agenda 21.

SITE HISTORY

There is no site history of direct relevance to the application site in this instance.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and no letters of objection were received. The application was advertised as contrary to Policy LT8 on 18th June 2002.

CONSULTATIONS

The Director of Environmental and Consumer Protection was consulted and submitted concerns about potential noise disturbance from the extended



lounge area of the public house for the residents of the flats above and advised conditions to protect the amenity of the residents.

OBSERVATIONS

The determining issues for the Committee in this instance are whether the proposal meets the requirements of the Local Plan policies and whether it will have an adverse impact on the residential amenity enjoyed by adjacent neighbours.

Policy LT8 (as revised) is applicable and contains a general presumption against public houses which are within 30 metres of existing or proposed housing. In this case it is considered that there are material reasons for recommending approval of the application contrary to the development plan and these are as follows:

Existing Public House

The public house has been established for many years and the application only forms a small extension to the floorspace and the formation of an additional seating area for the lounge.

Vacant Retail Unit

The vacant shop unit has been empty for approximately 6 years. Lack of maintenance of this vacant unit has resulted in some damage to the adjoining property to the south. Therefore it is considered beneficial for the immediate and surrounding area if the building is put into future use and the frontage improved.

Residential Amenity

The additional floorspace will only provide an extra seating area for the public house. A condition will be attached to protect the amenity of the residents above from potential noise disturbance.

Design

Limited details of the proposed alterations to the frontage have been provided. Therefore it is considered necessary to attach a condition requiring the submission of further details of the shopfront in a further application to ensure that it blends in appropriately with the existing public house.

CONCLUSION

The change of use only involves a small extension to an established public house and uses a vacant retail unit within an area of the City which the Council are attempting to regenerate through the provision of grants as one measure. Although no objections have been received from neighbours, a condition has been attached to ensure that potential noise from the extended lounge area will be inaudible within the flats above. Alterations to the shopfront will be included in a further planning application.

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 Any potential noise from music or TV should be inaudible within adjacent residential flats.
- 3 The planning permission shall not include alterations to the shopfront as indicated on drawing no SK-003 and a separate planning application shall be submitted.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the residential amenity enjoyed by adjacent residents from potential noise disturbance.
- 3 Drawing no. SK-003 does not provide sufficient details regarding the proposed shopfront alterations.