

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from retail to restaurant with elevational alterations

Address

Unit 3 & 4
Whitehall Street
Dundee DD1 4AA

Applicant

First Management (GB) Ltd
c/o Ron Shanks Associates
Ltd
107 Urquhart Road
Aberdeen AB24 5NH

Agent

Ron Shanks Associates Ltd
107 Urquhart Road
Aberdeen
AB24 5NH
Registered 13 May 2002

Case Officer

Dennis Gordon



Proposed New Restaurant at Former Debenhams Building, Whitehall Street

Change of use from retail to restaurant with elevational alterations is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposals are considered to be acceptable in policy terms. The reuse of the currently vacant listed building will contribute to the continual improvement of the central area of the city. Accordingly, the application is recommended for **APPROVAL** subject to conditions as outlined at the end of this report.

SUMMARY OF REPORT

- Planning permission is sought for a change of use of basement and ground floors of Units 3 and 4 of the former Debenhams building to a licensed restaurant. Internal and external alterations to the units are also proposed.
- The building, of which the application site forms part, is a Category B listed building. The units occupy a prominent location within the Central Area Conservation Area and are currently vacant.
- The proposal has attracted one letter of objection. The main issues raised relate to the inappropriate location of the proposed restaurant, the impact of the proposal on the residential amenity of the area and the adverse affect the restaurant would have on the building facade and streetscape.
- It is considered that the proposals are acceptable in land use terms. The Scottish Executive who approved, on appeal, a restaurant use in these units on 18/9/02 confirms this view.
- The proposed development will contribute to the continuing improvement and vitality of the city centre.

DESCRIPTION OF PROPOSAL

The proposal involves a change of use of the basement and ground floors of Units 3 and 4 of the former Debenhams building to a licensed restaurant. Elevational alterations to the front and rear building are proposed.

SITE DESCRIPTION

The site is located within the central area of the City and forms part of the former Debenhams store that is 4 storeys high with shopfronts at ground floor level. The building is currently vacant. The site is bounded by Whitehall Street to the east and Coutties Wynd to the west. The application site forms the basement and ground floor levels of the former store.

The building is a Category B listed building and is contained within the Central Area Conservation Area.

The site is situated within an area of mixed uses that are diverse in character and typical of a city centre location.

POLICY BACKGROUND

National Planning Policy Guideline 8 (Revised 1998) - Town Centres and Retailing

This NPPG sets out Government Policy for town centres and retail developments and also addresses non-retailing uses which have a role to play in contributing to the economic health and enhancement of town centres. This guideline offers advice on the sequential approach planning authorities and developers should take to selecting new sites for retail, commercial, leisure and other key city centre uses.

Tayside Structure Plan 1993

Environment Policy 13 - Developments affecting listed buildings and their setting or conservation areas should have full regard to the need to retain important features of architectural or historical interest and, where possible, secure improvements to the built environment.

Tourism, Recreation and Sport Policy 1 - This policy encourages the sustainable development of the tourist industry in Tayside and supports proposals which extend the tourist season. This includes appropriate proposals for new and improved visitor attractions which offer the potential for providing local employment and are suitable for resident as well as visitor use. These facilities should be located in areas capable of accommodating the development and do not prejudice the Environmental policies of the Plan.

Dundee Local Plan 1998

Policy S5 - Secondary Retailing Area where non retail activities within Classes 1 (shops), 2 (offices) and 3 (food and drink) of the Town and



Country Planning (Use Classes) (Scotland) Order 1997 will generally be acceptable in ground floor shop type premises.

Policy LT8 - No licensed premises other than off licences or possibly hotels with a restricted licence and no other premises selling hot food are acceptable within 30 metres of existing or proposed residential properties if the outlet does not exceed 150 sq. m. gross floorspace or 45 metres if the this figure is exceeded.

Policy LT10 - Parking for licensed and hot food premises will be required in accordance with the standards set by the Council. In the Central Area, some relaxation of the standards may be appropriate.

Policy BE11 - Within conservation areas all development proposals will be expected to complement and enhance the character of the surrounding area.

Policy BE15 - Suitable alternative uses will be encouraged for buildings considered to be of architectural merit or townscape value where this is

necessary in order to secure the future of the building having regard to other relevant policies in the Plan.

Policy BE17 - The alteration of a listed building or a building in a conservation area will only be acceptable where the proposals have regard to the restoration or enhancement of its architectural and historic character.

Policy LT8 (Revised June 1998) - This Review advises of several changes to Policy LT8 above and is considered to be a material consideration in the determination of planning applications for licensed and hot food premises. The Review states inter alia that within the City Centre, no controls on distance from residential property will apply. In all cases, the applicants will

require to demonstrate to the satisfaction of 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. The Review also deletes Policy LT10 ie parking requirements for licensed and hot food premises.

LOCAL AGENDA 21

The proposal involves the reuse of a vacant listed building which is sustainable and therefore in accordance with the Councils Local Agenda 21 policies

SITE HISTORY

The building has been the subject of a number of planning and listed building applications in recent years. The most relevant are considered to be :-

D22837 - Change of use of a department store to form retail units on basement and ground floors and flats on upper floors - Approved 29/9/97.

D24361 - Elevational alterations to form 7 retail units - Approved 21/1/00.

01/30115/COU - Change of use from retail store to public house and hotel - Application withdrawn 2002.

01/30178/COU - Change of use of part of former department store (3, 7, 9, 13 and 15 Whitehall Street) to public house, retail and restaurant uses - Approved with conditions by the

Scottish Executive, on appeal, on 18/9/02.

02/00114/COU - Change of use of the northern section of a former department store to public house and flats accommodation - Approved by the Scottish Executive, on appeal, on 18/9/02.

02/00389/COU - Change of use of the northern section of a former department store to a public house with office accommodation above. This application has not been determined by this Council.

PUBLIC PARTICIPATION

The relevant neighbour notification procedure was undertaken by the applicants in addition to the proposals being advertised in the local press as development potentially contrary to Policy LT8 of the Dundee Local Plan 1998 and as a bad neighbour development (Section 34 of the Act). The application has attracted 1 objection. The main issues raised by the objector relate to the unsuitable location of the proposed restaurant, the loss of amenity to the local residents and the impact the proposal will have on the facade of the building. Comments on these matters can be found in "Observations" below. A copy of the letter can be viewed in the Members Lounges.

CONSULTATIONS

The relevant Council Departments and outside bodies have been consulted with regard to the proposals.

The Councils Director of Environmental and Consumer Protection has offered advice on noise mitigation measures that will require to be undertaken.

OBSERVATIONS

The determining issue for the Committee in this instance is:-

Whether the proposals are in accordance with the policies and proposals of the development plan and, if not, are there any material considerations that would allow the Council to set aside these policies and grant approval of the application.

The site under consideration is located at basement and ground floor levels of part of the central section of the former

Debenhams building in Whitehall Street. The property is currently vacant. The applicants intend to use the site for licensed restaurant purposes and have advised of several minor external alterations to the east and west elevations. Internal alterations are also proposed.

It is considered that the provision of a new licensed restaurant in this central location is acceptable in land use terms. Indeed, this type of use is specifically encouraged by Policy S5 which offers various alternative uses appropriate for this area. This view is confirmed by the Scottish Executive in their approval of a restaurant use within these units, on appeal, on 18/9/02. In their decision letter the Executive considered that the proposal did not represent an over provision of such uses in the central area, that the use would not adversely impact on the residential amenity of the surrounding occupiers and that the proposal would play a part in underpinning the restoration of the vacant listed building.

It is considered that the elevational alterations proposed will not adversely impact on the appearance or the character of the listed building.

With regard to the objection submitted to the proposals, the main issues raised have been discharged above.

Design

The current proposal will not adversely impact on the external appearance of the Category B listed building. Internally, the years of trading as a retail outlet have left little of the original features and only a few of these are worthy of retention. In general, the proposals will not prejudice the character of the building.

CONCLUSION

The provision of the proposed restaurant in this city location is acceptable in land use terms. This has been confirmed by the Scottish Executive approving a restaurant use on this site, on appeal, on 18/9/02. The proposed elevational alterations will have no adverse impact on the appearance of the listed building and consequently, are considered acceptable.

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 The development shall not commence until the details of the servicing arrangements for the restaurant hereby approved have been submitted to and approved in writing by the planning authority
- 3 All amplified music or vocals from the premises shall be so controlled as to be inaudible within the nearest residential accommodation.
- 4 The development shall not commence until a scheme for the insulation, or other acceptable method, for the restaurant (to achieve the requirements of condition 3 above) has been submitted to and approved in writing by the planning authority; all works which form part of the approved scheme shall be completed to the satisfaction of the planning authority before the use commences.
- 5 The development shall not commence until a scheme for the noise attenuation of the ventilation/extraction system, or other mechanical services, to be installed in the restaurant has been submitted to and approved in writing by the planning authority; all works which form part of the approved scheme shall be completed to the satisfaction of the planning authority before the use commences.
- 6 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.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997

- 2 In order to ensure the safe and efficient operation of public transport within the city centre
- 3 In order to safeguard the amenity of nearby residents and other occupiers
- 4 In order to safeguard the amenity of nearby residents and other occupiers
- 5 In order to protect the amenity of nearby residents and other occupiers
- 6 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.