

KEY INFORMATION

Ward Bowbridge

Proposal

Forming new cellar at rear over existing yard and extending public bar into existing cellar

Address

GJ's Bar
36 Mains Road
Dundee
DD3 7RE

Applicant

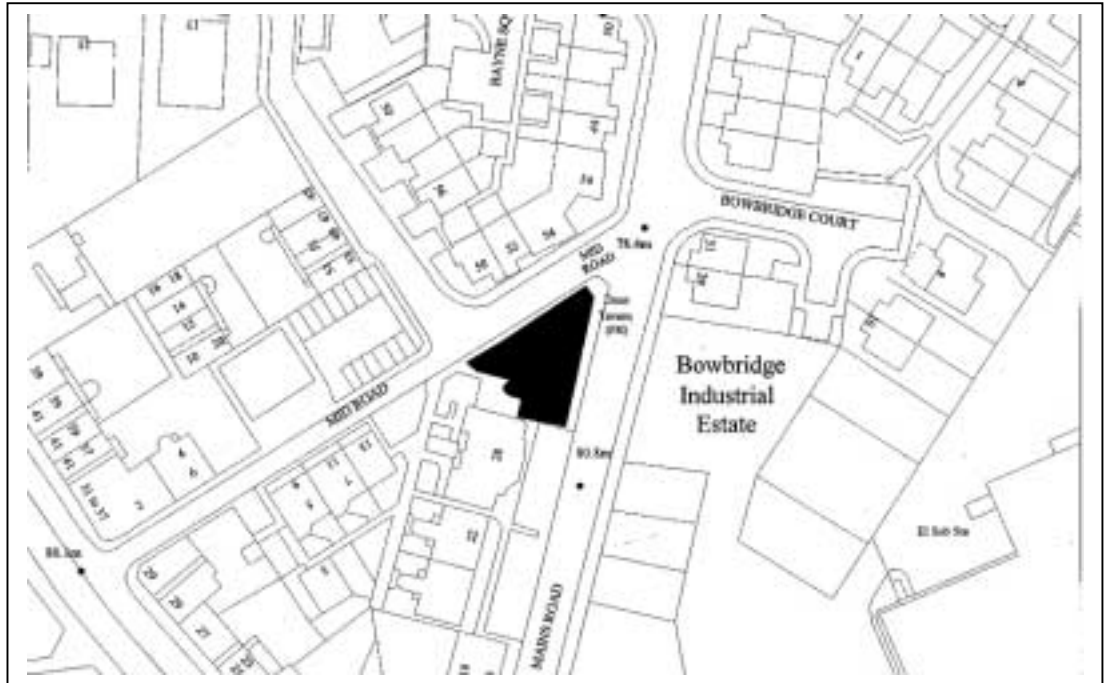
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Agent

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Registered 11 Feb 2003

Case Officer Gordon Reid



Changes Proposed for Existing Public House

Forming new cellar at rear over existing yard and extending public bar into existing cellar is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposals are in accordance with the policies of the development plan.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for a new cellar, the extension of public bar into existing cellar and elevational alterations at GJ's Bar Mains Road, Dundee.
- The proposal raises issues for consideration in terms of the Housing and Leisure and Tourism Policies of the Dundee Local Plan 1998 and Policy 53 of the Finalised Dundee Local Plan Review.
- Two letters of objection were received from neighbours to the proposals. The main concerns related to the potential adverse affect on parking in the area and on the amenity of residents by virtue of disturbance from noise.
- It is considered that the proposals are in accordance with the Housing and Leisure and Tourism Policies of the Dundee Local Plan 1998 and Policy 53 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised by residents are not of sufficient weight to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a new cellar, the extending of public bar into existing cellar and elevational alterations at GJ's Bar 36 Mains Road, Dundee. The proposals involve the formation of a new cellar area for the public house to the rear of the building with access from Mid Road. The existing cellar which is to the south will be refurbished and form an extension to the public bar.

The area where the new cellar is to be formed is an open courtyard serving the public house. The proposal involves forming a roof over this area and linking it into the rear of the public house.

SITE DESCRIPTION

The application site is located on the corner of Mains Road and Mid Road. The public house is located on the ground floor of a three-storey tenement building. The upper floors are all in residential use with access from Mid Road. There are residential properties to the north, south and west. To the east is Bowbridge Industrial Estate and residential properties. The area to the rear of the public house is an open yard currently used for storage.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

Housing Policy H1 Existing Residential: seeks to ensure that developments do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Leisure and Tourism Policy LT8 Licensed and Hot Food Premises: advises against granting planning permission for proposals for licensed premises within 45 metres of existing or proposed housing.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 53: Licensed and Hot Food Premises outwith the City Centre. This Policy states that in general, outwith District Centres no premises selling hot food is acceptable within 45 metres of existing or proposed housing. In District Centres some relaxation of this control on distance



from residential property may be appropriate. However, proposals for hot food takeaways other than those which fall into restricted snack bars etc, will not be permitted in premises directly adjoining (ie directly above or to either side) residential property which is not within the control of the takeaway proprietor/operator.

Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application

Non Statutory Statements of Council Policy

There are no non-statutory Council policies relevant to the determination of this application

LOCAL AGENDA 21

Key Theme 7 is relevant and seeks that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. Given the location and nature of the proposed operation it is considered that Key Theme 7 will be achieved.

SITE HISTORY

There is no site history of relevance to the consideration of this application.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the proposals was advertised in the "Dundee Courier and Advertiser" on the 25 February 2003 in terms of Section 34 of the 1997 Act as a potential Bad Neighbour. Two letters of objection were received from residents in the surrounding area. The main concerns raised were that:

- 1 the proposals would result in disturbance by virtue of noise.
- 2 the proposals would exacerbate existing parking problems in the surrounding area.

Copies of the letters of objection area available in the Members' Lounges and the issues raised will be addressed in the Observations

Section of this Report.

CONSULTATIONS

The Director of Environmental and Consumer protection advised that he had no objection to the proposals subject to the imposition of a condition covering the noise output from all electrical and mechanical services and a condition covering noise from all amplified music.

No adverse comments were received from any of the other statutory consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not

- b whether an exception to the provisions of the development plan is justified by other material considerations

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

The proposals involve three main elements 1) the formation of a new cellar area to the rear of the building, 2) the conversion of the existing cellar area into an extension to the existing public house and 3) elevational alterations.

The proposals for the new cellar area and the extension to the public house raise issues for consideration in terms of Housing Policy H1 and Leisure and Tourism Policy LT8. These Policies seek to protect residential amenity and to restrict proposals for new licensed premises within 45 metres of existing or proposed housing. The proposals are to an existing public house. As such the amenity of surrounding residents is already affected particularly with regard to disturbance from noise. The proposed extension into the existing cellar area will result in an increase in floor area of approximately 27 sq metres. This is only a small addition to the floor space of the public house. In addition, as this area already forms part of the public house it could be changed to public bar area without the requirement for planning permission for a change of use. The cellar area to the rear is to be formed from the existing yard to the public house and involves roofing this area to provide and enclosed cellar area. The main issue in terms of Policies H1 and LT8 is whether the proposal would result in additional disturbance to the amenity of residents from noise. It is considered that the proposed cellar area would not result in any additional disturbance. The extension to the public house is considered to be relatively small and as such would no result in an adverse impact on the amenity of residents.

The Director of Environmental and Consumer Protection has advised that he has no objection to the proposals but requested that conditions be attached to control the potential level of noise from the proposals. The

conditions are to cover the noise output level from all electrical and mechanical services and a condition covering noise level from all amplified music.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

The other material considerations to be taken into account are as follows:

- a Finalised Dundee Local Plan Review Policy 53: Licensed and Hot Food Premises outwith the City Centre. This Policy states that in general, outwith District Centres no premises selling hot food is acceptable within 45 metres of existing or proposed housing. In District Centres some relaxation of this control on distance from residential property may be appropriate. However, proposals for hot food takeaways other than those which fall into restricted snack bars etc, will not be permitted in premises directly adjoining (ie directly above or to either side) residential property which is not within the control of the takeaway proprietor/operator.

The main issues for consideration in terms of this Policy are as for Leisure and Tourism Policy LT8 of the Dundee Local Plan 1998. In the above assessment of the proposals it is considered that they comply with Policy LT8. As such it is considered that the proposals comply with Policy 53 of the Finalised Dundee Local Plan Review for the same reasons.

- b Two letters of objection were received from neighbours in the surrounding area raising concerns in terms of noise and parking problems. The following addresses these concerns:
- 1 the proposals would result in disturbance by virtue of noise". The proposals have been assessed against the policies of the development plan in terms of the potential disturbance on residential amenity by virtue of noise. It is concluded that the impact of any additional noise would not be significant and would not provide reason for refusal of the application.

- 2 "the proposals would exacerbate existing parking problems in the surrounding area". It is considered that the increase in the size of the public bar would not generate any significant additional levels of traffic and demand subsequent demand on parking in the surrounding area.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposals include elevational alterations to the public house. The existing façade is of a poor quality and the proposed elevational alterations will significantly improve its visual appearance.

CONCLUSION

It is considered that the proposals are acceptable in terms of the Housing and Leisure and Tourism Policies of the Dundee Local Plan 1998 and Policy 53 of the Finalised Dundee Local Plan Review. In addition, it is considered that the objections raised by neighbours are not of sufficient weight to warrant refusal of the 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 The total noise from all electrical and mechanical services shall not exceed NR35 as measured 1 metre external to the façade of adjoining residential accommodation.
- 3 That noise from all amplified music and vocals shall be inaudible within the nearest residential accommodation.

Reason

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

- 2 To ensure that the amenity of residents is not adversely affect due to disturbance from noise
- 3 To ensure that the proposals do not adversely affect the amenity of surrounding neighbours by virtue of disturbance from noise