

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from vacant offices to bar restaurant with elevational alterations

Address

11 Tay Square
Dundee
DD1 1PB

Applicant

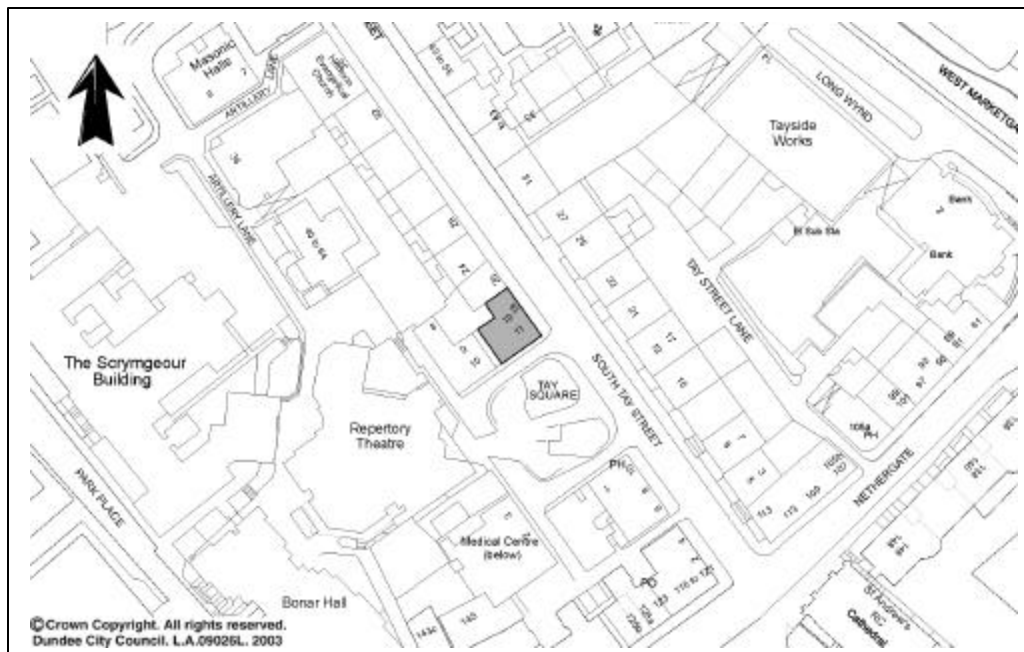
Springfield Properties
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Agent

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Registered 24 Feb 2004

Case Officer R Anderson



Proposed Bar/Restaurant in Tay Square

The change of use from vacant offices to a bar restaurant is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use is contrary to the terms of policy LT8 of the Dundee Local Plan 1998 on amenity grounds. However there are material considerations, namely emerging policies in the Local Plan Review encouraging such uses in this area, which warrant overturning policy in this case. Accordingly approval of the application is recommended.

SUMMARY OF REPORT

- An application for the change of use of the above premises from a former office (Class 2) to a bar/restaurant (Sui Generis) and elevational alterations has been received.
- The property forms part of a category B listed building and is located within the South Tay Street Conservation Area. It is also located in the council designated "Cultural Quarter."
- One letter of objection has been received. The main points raised relate to noise amenity, the appearance of the building and details of a handrail associated with a rear staircase. The application was advertised as contrary to the 1998 Local Plan.
- The change of use is contrary to policy LT8 of the adopted local plan as represents a licensed premise within 30m of residential accommodation. However in this case there are material considerations in the form of policies 17 and 52 in the Local Plan Review which encourage such uses in this area of the city, and warrant overturning policy in this case. In view of the council's wider policy for this area approval of the application is recommended.

DESCRIPTION OF PROPOSAL

It is proposed to change the use of the above premises from a former office to a bar/restaurant. The change of use will also include external and internal alterations. At present, on the ground floor, the main space is divided by partition walls into four offices with a circular stairwell leading to the basement which houses 3 additional offices a kitchen and toilets. The proposal will see the conversion of the ground floor into a single space with a bar to the western end of the room. The basement is to be converted into a large kitchen with a cellar storeroom and toilets. The exterior of the building is to be largely retained, however a new doorway and surround feature replicating the existing will be developed and finished in a dark red colour with integral spotlights fitted throughout the frame. The window frames at ground floor level are to be painted white with small individually illuminated stainless steel signs above. To serve the kitchens, to the rear of the property is to be a full-length duct (450mm in diameter), terminating at just above eaves level.

SITE DESCRIPTION

The property is located on the north side of Tay Square at its junction with South Tay Street. It forms the ground floor premises of a category B listed three and a half storey terrace. The properties are Georgian in style and finished in natural stone with slated roofs. They are situated in the South Tay Street Conservation area in the heart of the Council zoned "Cultural Quarter."

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:

BE1 - Design Quality

BE2 - Townscape Quality

BE3 - Use of Materials

BE11 - Development in Conservation Areas

BE17 - Alterations to Listed Buildings

LT8 - Licensed and Hot Food Premises

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan 2003

The following policies are of relevance:

Policy 17 - Cultural Quarter

Policy 52 - Restraint on Licensed Premises in the City Centre

Policy 55 - Urban Design

Policy 60 - Alterations to Listed Buildings

Policy 61 - Development in Conservation Areas



Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 18 - Planning and the Historic Environment

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 4 indicates that Local Needs should be met locally. It is considered that the development of venues within the Cultural Quarter meets this key theme.

Key Theme 7 indicates that access to facilities and services is not achieved at the expense of the environment and are accessible to all. It is considered that the venue proposed, by utilising a

vacant building, fulfils this key theme. This also meets with the aims of Key Theme 12, which looks to provide culture, leisure and recreational opportunities for all.

The use of a category B listed building and the minimal alterations to its fabric ensure that the criteria of Key Theme 13 are met whereby places, spaces and objects combine meaning and beauty with utility.

SITE HISTORY

88/00514/DLB - Elevational Alterations Including Signage - Refused - 13.02.1989

89/00532/DLB - Elevational Alterations (Provision of Signage) - Approved - 29.06.1989

98/01634/DLB - Installation of Signage - Approved - 05.03.1999

98/02794/DADV - Installation of Non-Illuminated Signage - Approved - 27.01.1999

PUBLIC PARTICIPATION

One letter of objection has been received. The main issues arising are the likely noise pollution from the venue; the painting of the ground floor of the building; the painting of the window bands should be painted as a comprehensive scheme with the remainder of the building and the stairwell rail at the rear of the property should be of a more traditional design. These will be addressed in the "Observations" section of the report.

CONSULTATIONS

No adverse comments have been received.

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

BE1 - Design Quality: It is considered that as the proposal involves minimal alterations to the exterior of the building and enhances architectural features, such as the doorway and windows as well as introducing subtle lighting and quality signage materials, the proposal respects the architecture and character of the area. It conforms with the intention of this policy.

BE2 - Townscape Quality: The proposal represents a quality development which highlights and maintains the architectural features of part of a listed terrace in a conservation area and forms part of a significant view in an important area of the city.

BE3 - Use of Materials: It is considered that the use of subtle lights within the main doorway, newly painted window banding and stainless steel illuminated signs above the windows ensure the use of quality materials and the maintenance of more traditional building finishes. This is to the benefit of the building in particular and to the wider area in general.

BE11 - Development in Conservation Areas: The exterior of the building is largely remaining in tact. The architectural features of the building are being enhanced and form part of the wider terrace, which is an integral part of the Conservation Area. The proposal enhances the character and appearance of the Conservation Area and therefore conforms to this policy.

BE17 - Alterations to Listed Buildings: As we have seen above the external appearance of the listed building is remaining largely intact and with the painting of the windows frames, will be enhanced. The additions i.e. the lights in the doorframe and the signs above the windows are subtle and do not detrimentally affect the listed building. The addition of the flue to the rear of the building is not an attractive feature and is detrimental to the appearance of the listed building. Although it is not on a major elevation it is still an important element of the design. It is possible to provide alternative ventilation without the need for an extensive flue. In this respect the application should be conditioned to allow alternatives to be examined which may present a more satisfactory visual solution. The internal alterations are of benefit to the building, with the

removal of the current false ceiling (which will expose original features such as cornicing and skirting) and the use of the single space at ground floor level introduces a significant, interesting main room. Overall the alterations are beneficial to the building and do not detract from its character and appearance. However, the flue proposed is detrimental and alternatives should be examined.

LT8 - Licensed and Hot Food Premises: The licensed premises in question, has a gross floorspace of some 200m² and falls within 45m of residential premises. The proposal is contrary to this policy.

It is concluded from the foregoing that the proposal does not comply with Policy LT8 of the development plan.

Other Material Considerations

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

Policy 17 - Cultural Quarter: This policy indicates that within the Cultural Quarter uses which assist the development of the area's role as a focus for Cultural and leisure activities will be encouraged. The site falls adjacent to the Repertory Theatre and some 200m north of the Dundee Contemporary Arts Centre. It is also surrounded by numerous offices and businesses. In this respect the proposal complies with this policy.

Policy 52 - Restraint on Licensed Premises in the City Centre: This policy attempts to follow on from policy LT8 of the 1998 plan and looks to ensure satisfactory residential amenity from detrimental amenity issues such as noise and smells from licensed premises. However this policy does not apply to the Cultural Quarter where there is an acceptance that licensed premises can co - exist within 30m of residential premises as this is the type of uses that are to be encouraged in the area. However this does not mean that satisfactory amenity will not be provided, but it should be achieved in other ways such as limits on music and better sound insulation etc. The proposal is supported under this policy.

Policy 55 - Urban Design - similar considerations are given to this policy as BE1 above.

Policy 60 - Alterations to Listed Buildings - similar considerations are given to this policy as BE17 above.

Policy 61 - Development in Conservation Areas similar considerations are given to this policy as BE11 above.

NPPG 18 - The proposal represents development, which does not detrimentally affect the character and appearance of the listed building and also preserves and enhances the character of the conservation area. It therefore complies with national advice.

The points raised by the objector

As explained in the foregoing the development of licensed premises within the Cultural Quarter is acceptable. Amenity considerations will largely be sought via conditions and environmental health legislation. It is also unreasonable to assume that office uses can have the same amenity considerations as residential uses as the objector alludes to. The point raised about painting the ground floor walls is agreed with and has been amended by the applicants. The painting of the window banding is something that is supported by the council. However the council has no ability to force the remaining properties in the block to follow suit. However supporting the current proposal may stimulate other owners to paint window bands on their properties in a similar way. The point raised about the stair handrail is a minor one. The handrail is a minor feature and will be a new addition. Painted steel is a suitable material for this feature on the rear elevation.

In summary the proposal is supported by the majority of policies in the adopted 1998 local plan. Although the proposal is contrary to policy LT8 there are material considerations in the form of policies 17 and 52 of the Local Plan Review 2002, which justify setting aside policy LT8 in this case. The flue to the rear of the property, which is proposed contravenes policy BE17. However a condition should be included which allows alternatives to be examined and a better visual solution achieved.

Design

The design of the building is largely unaltered and where it is supported or necessary to implement the use proposed. The repainting of the architectural features, the maintenance of the stonework and the introduction of subtle lighting and metal sign work

are all positive additions to the design of the building.

CONCLUSION

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations mentioned such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with 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 That all amplified music and vocals shall be so controlled as to be inaudible within the nearest residential accommodation.
- 3 That prior to the commencement of development the applicants submit a scheme in writing which achieves noise levels from all mechanical ventilation associated with the property not in excess of NR35 within 1m from the external facade of any residential property, which is to be agreed to the satisfaction of the planning authority.
- 4 That notwithstanding the docketed plans for the flue as proposed to the rear elevation is not approved as part of this application. Details of the proposed ventilation system serving the premises to be submitted and agreed in writing to the satisfaction of the planning authority, prior to the commencement of development.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In the interests of residential amenity
- 3 In the interests of residential amenity.
- 4 In the interests of visual and residential amenity.