

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from offices to restaurant on ground floor and internet cafe in basement

Address

2A, 4 and 8 Perth Road
Dundee

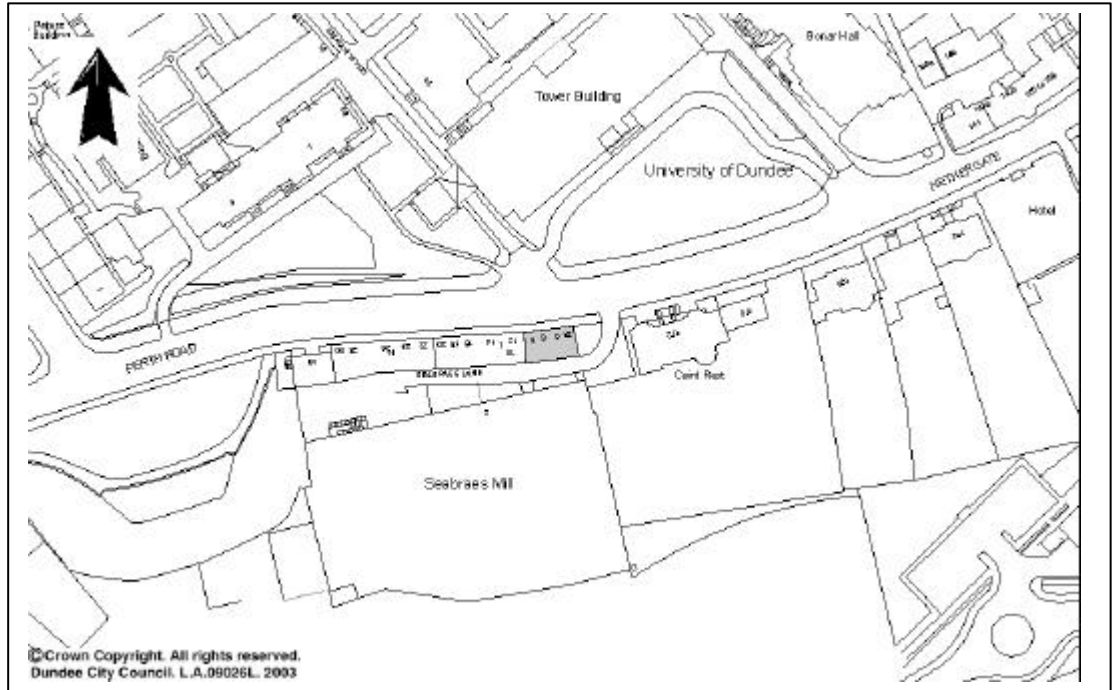
Applicant

Middlebank Ltd
3 Old Hawkhill
Dundee
DD1 5EU

Agent

Registered 28 April 2005

Case Officer Eve Jones



Restaurant and Internet Cafe Proposed in Perth Road

A change of use from offices to restaurant and internet cafe is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is contrary to one of the relevant policies in the Dundee Local Plan Review 2005. The material considerations are considered to be sufficiently strong to justify the granting of planning permission. Accordingly, the application is recommended for **APPROVAL** subject to conditions.>

SUMMARY OF REPORT

- Planning permission is sought for the change of use of offices to a restaurant and a basement store to an internet cafe. Both units are less than 120 square metres each. One door in the restaurant will be changed to a window and a new entrance will be formed in basement.
- The site lies on the south side of Perth Road on the ground floor and basement of a traditional stone built tenement. There is a large public house in the adjoining unit and residential flats on the upper floors. The University of Dundee lies to the north and the former Seabraes Mill has been redeveloped as the Vision building for the digital media park.
- The proposal does not fully comply with Policy 53 of the Dundee Local Plan Review 2005 as there are residential properties within 30 metres but the use is a restaurant, not a public house or hot food take away. The development would contribute to the development of the Culture Quarter in accordance with Policy 17. It also complies with the relevant policies with relation to Listed Buildings and development in the Conservation Area.
- The restaurant is relatively small, it is adjacent to a large busy public house, Perth Road is a busy main distributor road into the City Centre and carries high volumes of vehicular and pedestrian traffic.
- It is considered, in this particular case, that the restaurant will not have a significantly detrimental impact on the amenities of the nearby flats and the proposed change of use can be supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an office to a restaurant on the ground floor and a store to an internet cafe on the basement level. The restaurant will be accessed from Perth Road and the internet cafe from Seabraes Lane to the rear. Both units will be less than 120 square metres floorspace. One door will be changed to a window on the Perth Road elevation and a modern entrance will be formed in the basement elevation. The restaurant will operate from 1600 to 2300 hours, Tuesday to Sunday inclusive.

SITE DESCRIPTION

The ground and basement of a traditional stone tenement building on the south side of Perth Road, opposite the University of Dundee. The building is three storeys with attic to the north and four storeys to the rear. There is a large public house in the ground floor and basement of the adjoining building to the west and the remainder of the buildings are residential flats. The former Seabraes Mill to the rear of the site has been redeveloped to form the Vision building which is part of the digital media park.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 53 - Licensed and Hot Food Premises.

Policy 17 - Cultural Quarter.

Policy 59 - Alternative uses for Listed Buildings.

Policy 60 - Alterations to Listed Buildings.

Policy 61 - Development in Conservation Areas.

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

The proposal complies with a number of Key Themes including 1, 4, 10 and 12.

SITE HISTORY

05/00355/LBC is the partner Listed Building application which is yet to be determined.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a potential Bad Neighbour development and as a development contrary to Policy LT8 of the Dundee Local Plan 1998 (now superseded). This policy has been taken forward into the Dundee Local Plan Review as Policy 53. No objections were received.

CONSULTATIONS

There were no adverse comments from statutory consultees.

OBSERVATIONS

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

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

Policy 53 - Licensed and Hot Food Premises Outwith the City Centre. The policy is primarily directed towards the sale of alcohol for consumption on the premises and the sale of hot food for consumption off the premises, both of which can raise amenity issues. The proposed development is a restaurant where alcohol is sold as part of a meal and an internet cafe which is unlicensed and sells drinks and snack foods. However consideration of the application does fall within this policy. The policy states that such uses are unacceptable within 30 metres of existing or proposed housing for units of the size proposed. There are flats above the proposed restaurant. There is some relaxation of this requirement in District Centres, the site is not within a District Centre. Snack bars may be acceptable if the hours of operation are limited to between 7am and 7pm. The internet cafe is predominantly for internet use and is not wholly a cafe but the hours of operation do not comply with these restrictions. The application does not therefore comply fully with the terms of Policy 53.

Policy 17 - Cultural Quarter. The policy supports "uses and developments which will assist the further development of its role as a focus for cultural and related leisure and business activities". It also states that "Where appropriate, proposals outwith the area but capable of meeting these requirements may also be supported". The Cultural Quarter is not specifically defined but includes

Nethergate. This property is the first building in Perth Road and is within 20 metres of the nominal boundary of the Cultural Quarter as defined in the Committee Report in 2001. The proposed uses will contribute to the development of the Cultural Quarter and it is considered that the site is sufficiently close to comply with this policy.

Policy 59 - Alternative uses for Listed Buildings; Policy 60 - Alterations to Listed Buildings; Policy 61 - Development in Conservation Areas. These policies all seek to protect the character and fabric of Listed Buildings and Conservation Areas whilst encouraging appropriate alternative uses for important buildings. The proposals are acceptable uses and the external alterations are of good design and materials. It is considered that the proposed development complies with these policies.

It is concluded from the foregoing that the proposal does not fully comply with all of the provisions of the development plan in respect of Policy 53.

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

The Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997. Section 59 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interests which it possesses. Section 64 of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Central Area Conservation Area. As noted above the proposal complies with these requirements.

The proposed restaurant is relatively small and lies immediately adjacent to a large, busy public house which operates on ground and basement floor levels. Perth Road is a busy major distributor road into the City Centre which carries large amounts of vehicular and pedestrian traffic. The proposal is for a licensed restaurant, not a public house and the potential impact of such a use on the amenities of the flats above is likely to be quite limited given the existing situation. It

is considered that for the above reasons, the change of use of the offices to the restaurant is acceptable.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan.

Design

The changes to the Perth Road elevation will be minimal with one door changed to a window. The modern doorway to be inserted in the rear, basement level is a simple design which complements the plain rear elevation and creates a distinctive entrance to the proposed internet cafe.

CONCLUSION

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 The proposed restaurant shall not be used for any purpose other than a purpose within Class 3 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1989 as amended or re-enacted.
- 3 Details of proposed windows and doors shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 4 Full details of all proposed ducts, flues and vents shall be submitted to the City Council for approval prior to the commencement of development and if approved, the works shall be carried out only in accordance with such approved details.
- 5 Mechanical extraction from the kitchens shall be dealt with internally as indicated on the application form.

- 6 The hours of operation of the restaurant shall be 1600 hours to 2300 hours, Tuesday to Sunday inclusive.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 The premises are closely adjoined by residential properties and it is considered necessary to strictly control the nature and intensity of the use of the premises in the interests of the amenities of the area.
- 3 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 4 In order to safeguard the appearance of the statutorily listed building and to improve its architectural appearance.
- 5 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.
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