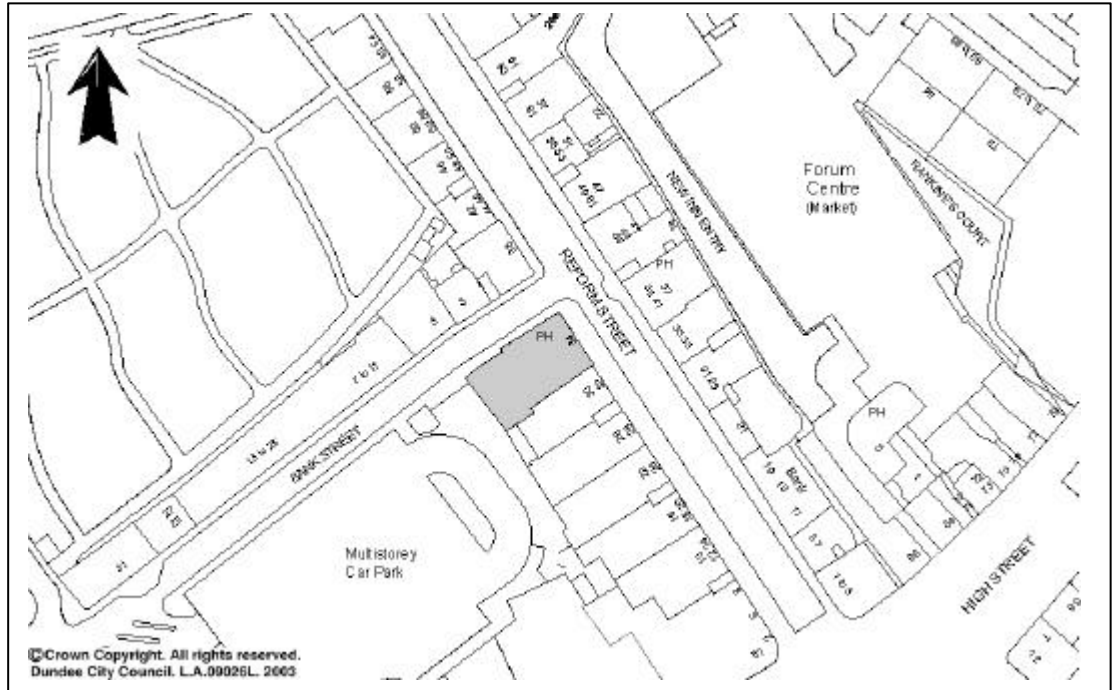


KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from public house to solicitor's office

Address34 Reform Street
Dundee**Applicant**Blackadders
30/34 Reform Street
Dundee
DD1 1RJ**Agent**Ritchie Dagen and Allan
Suite 2
Stewarts House
Kingsway East
Dundee
DD4 7RE**Registered** 8 June 2005**Case Officer** Eve Jones

Proposed Solicitor's Offices in Reform Street

A change of use from public houses to solicitor's office is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use does not fully comply with the terms of Policy 34 of the Dundee Local Plan Review 2005 but does comply with other relevant policies.

The material considerations are considered to be sufficiently strong to justify the proposed development. The application is therefore recommended for approval.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of an existing public house to a solicitors office (Class 2). There are no significant changes to the fabric of the building.
- The building lies on the south west corner of Reform Street and Bank Street and was formerly a bank. It was converted to a public house in 1984. It is an imposing stone built three storey Listed Building which forms an important feature in the architecture of Reform Street.
- The applicants have a complex of offices at first floor level and above along the west side of Reform Street, including the upper levels of this building. They seek additional staff accommodation and a street level disabled access.
- Policy of the Dundee Local Plan Review 2005 seeks to retain retail uses and restrict changes of use to unacceptable Class 2 office uses. The site is not in retail use. However the proposed use does not fully comply with the terms of the policy.
- A supporting statement has been submitted to justify the development on grounds of beneficial use of a Listed Building, provision of disabled access, a street presence for an important local firm, additional jobs and visitors to the City Centre, proximity to the Court, the building is unsuitable for use as a retail unit. These material considerations are considered to be sufficiently strong to support the proposed change of use.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use from a public house to a solicitors office. The premises will operate in conjunction with the applicant's existing premises at 20 to 34 Reform Street at first floor and above, including the upper floor levels of this building. The proposal will provide additional staff accommodation and a street level access to comply with the Disability Discrimination Act. There will be no significant changes to the interior fabric of the building.

SITE DESCRIPTION

The building was formerly a bank and is located on the south west corner of Reform Street and Bank Street. It is an imposing stone listed building of three storeys with attics. It lies at the end of the pedestrianised section of Reform Street in a mixed area of shops, restaurants and offices. The building is currently in use as a public house at ground and first floors.

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 34 - City Centre Retail Core.

Policy 59 - Alternative Uses for Listed Buildings.

Policy 60 - Alterations to Listed Buildings.

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 Agenda 21 Key Themes including.

SITE HISTORY

D9628 Planning permission for change of use from bank to public house, approved subject to conditions 25/04/1984.



PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and no objections were received.

CONSULTATIONS

There were no adverse comments from 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.

Policy 34 - City Centre Retail Core. The policy states that within the Core Area proposals for Class 1 (retail) uses will be encouraged and loss of ground floor retail uses to uses other than Class 3 uses will not be permitted. As an exception to this, banks and building societies geared towards shoppers may be acceptable but other uses within class 2 will not be acceptable.

The application site is not in Class 1 (retail use) or in Class 3 (food and drink) as a public house is a sui generis use. The proposed use is Class 2 but is not a bank or building society. The proposal fails to comply with Policy 34.

Policy 59 - Alternative Uses for Listed Buildings.

Policy 60 - Alterations to Listed Buildings.

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

Other Material Considerations

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

Statement of Justification. The applicants agent has submitted a supporting statement which justifies the development on the following grounds.

- i the building is an important Listed Building which terminates the terrace in Reform Street. The development will refresh the appearance of the building.
- ii the office use complies with the terms of the Dundee Local Plan 1998 and will bring new jobs and clients into the City Centre.
- iii the conversion of the building will provide disabled access for the business which is presently at first floor level in Reform Street and therefore lacks a visible street presence.
- iv the City centre location is desirable due to its proximity to the Courts.
- v the building would not be suitable for use as a retail unit as

it lacks window displays. Other former bank buildings in the City Centre are also currently vacant and suitable only as public houses or nightclubs.

- vi the site is well served by public transport and there is adequate car parking nearby.

It is considered that grounds iii) to vi) are supported. The change of use does not involve any significant changes to the building. The proposal did comply with the Dundee Local Plan 1998 which has now been superseded by the Dundee Local Plan Review 2005. The proposed change of use is contrary to the new plan. Policy 34 seeks to retain retail units and prevent their change of use to unacceptable uses including Class 2 offices. However this building is not in retail use and would be unsuitable for such a use. The building is also not in a Class 3 use which would be acceptable in this location. It is considered that whilst the proposed change of use is contrary to the letter of the policy, it does not significantly breach the principle of the policy. The need to provide a high quality access for disabled clients and the beneficial use of an important Listed Building are considered to be sufficiently strong material considerations in this particular case to support the granting of planning permission.

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. It is therefore recommended that planning permission be granted with conditions.

Design

There will be no significant alterations to the building and the high quality interior features will remain visible to staff and visitors to the building.

CONCLUSION

Whilst the proposed change of use does not fully comply with the terms of the relevant policy in the Dundee Local Plan Review, there are material considerations of sufficient strength to support the granting of planning permission subject to conditions.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.

Reason

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