

**KEY INFORMATION**

**Ward** Tay Bridges

**Proposal**

Change of Use from Shop to Cafe with elevational alterations and upgrading of rear courtyard

**Address**

89-91 Nethergate  
Dundee  
DD1 4DH

**Applicant**

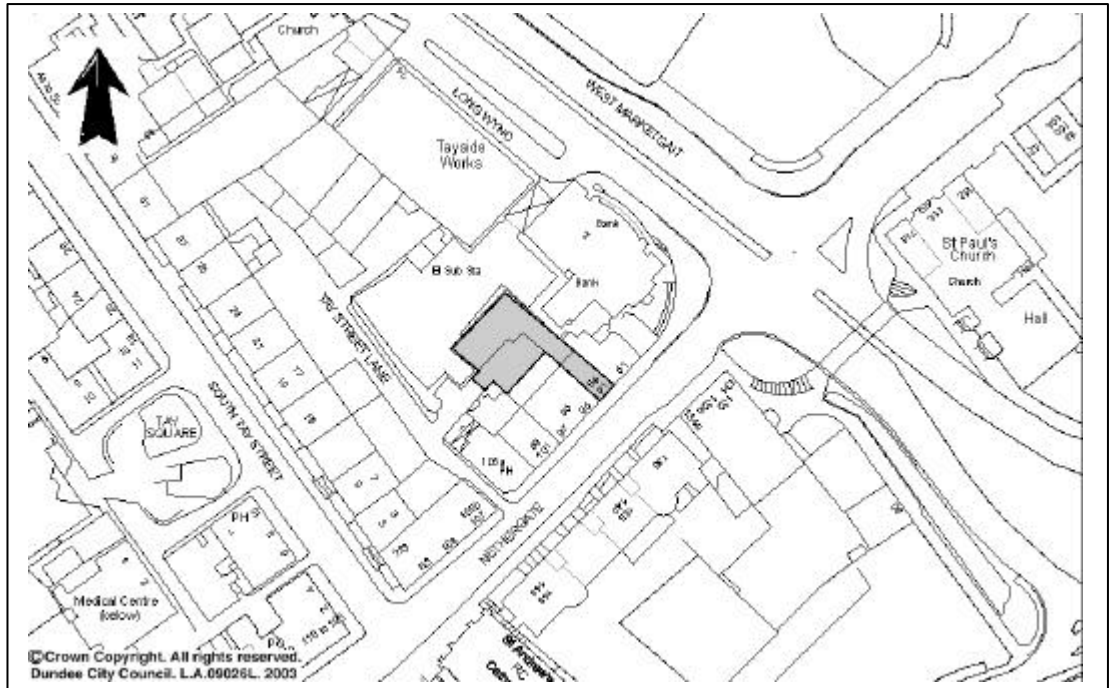
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**Agent**

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**Registered** 4 Oct 2005

**Case Officer** Eve Jones



## Proposed New Coffee Shop in Nethergate

The change of use from shop to cafe with elevational alterations and upgrading of rear courtyard is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal complies with the relevant policies in the Dundee Local Plan Review 2005 as the site lies within the City Centre and the Cultural Quarter. The single objection from a neighbouring food premises is not supported. Accordingly, the application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use of a shop to a cafe with alterations to the elevations. The cafe will serve a limited range of foods and will not be licensed.
- The shop lies on the north side of Nethergate close to the junction with West Marketgait. It has a narrow frontage to the street but extends back to form an L shaped building on several levels around a rear courtyard which is accessed from Tay Street Lane. It is proposed that the rear access is upgraded and a courtyard formed which will be accessed via new glazed screen doors. The rear access will be upgraded and the traditional materials retained and reused.
- The development complies with the relevant policies in the Dundee Local Plan Review 2005 as the site lies within the City Centre and is also within the Cultural Quarter where such uses are encouraged.
- One objection has been received on the grounds of lack of parking. Businesses are not required to provide parking in City Centre locations and the rear courtyard will provide for deliveries. The objection is not supported

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing retail shop to a cafe with a new shop front and alterations to the rear of the premises to provide an exterior gated courtyard and a rear access ramp. The premises will not be licensed.

## SITE DESCRIPTION

Former music shop on north side of Nethergate which extends northwards and forms a narrow L shaped building around a rear courtyard with access from Tay Street Lane. The building has a basement level and is on two levels at the rear courtyard. The site lies close to the junction with West Marketgait. The adjoining uses in Nethergate include restaurants to the east, west and south a There are public houses and restaurants in the wider area to the west and the Overgate to the east. There are tenemental flats above that part of the site which front on to Nethergate but the rear L shaped portion has no upper levels.

## 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 17 - Cultural Quarter.

Policy 61 - Development in Conservation Areas.

### Dundee Urban Nature Conservation Subject Local Plan 1995

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

### Scottish Planning Policies, Planning Advice Notes and Circulars

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

### Dundee City Council Development Quality Committee

## 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 regarding efficient use of resources, protection of local distinctiveness and the creation of places which combine meaning and beauty with utility.

## SITE HISTORY

There are current applications for new signage (05/00764/ADV) and the installation of a new shop front (05/00765/LBC) in association with this proposed change of use. The applications have 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. One objection was received from an adjoining business on the grounds of lack of parking.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards notes that the use of the rear courtyard and the installation of mechanical and electrical services has the potential to cause noise disturbance to residents in the flats above the site. Appropriate restrictive conditions are requested.

## 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 17 - Cultural Quarter supports uses and developments which will assist the further development of the area as a focus for cultural and related leisure uses. Proposals will be considered in terms of their contribution to the mix and diversity of uses and to their potential to enhance its visitor attraction. The proposed cafe will provide refreshments including light meals during the day and is not intended to be licensed other than for corkage ie customers may bring their own alcohol to consume with food. This will provide additional variety to the mix of restaurants and public houses in the area and enhance its attraction to visitors and local residents. It is considered that the proposed change of use complies with the policy.

Policy 61 - Development in Conservation Areas. Within the Conservation Areas, all development proposals will be expected to preserve or enhance the character of the

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surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings, and the historic pattern of streets and spaces. The alterations to the elevation of the Listed part of the property on Nethergate will be dealt with under the partner Listed building application (05/00765/LBC). The upgrading of the building to the rear, the formation of a rear courtyard and the upgrading of the rear access with a new gate will enhance the appearance of this part of the Conservation Area. The access to the rear has original granite setts and a metal edged cart track which require to be upgraded and retained as part of the original street pattern. This will also add to the character of the proposed rear courtyard. Subject to conditions regarding these matters, the development complies with the policy.

Policy 52 - Restraint on licensed premises in the City Centre does not apply as this is an unlicensed cafe and also lies within the Cultural Quarter.

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:

**Objection.** One objection was received from an adjoining business on the grounds of lack of parking. The site lies within the City Centre where the majority of businesses do not have parking for customers or staff. This property has a rear access off Tay Street Lane for deliveries which will reduce the impact of the development on the busy Nethergate frontage. The objection is not supported. The objector also questioned the need for such a development given the number of surrounding food premises but this is not a valid planning objection.

It is concluded from the foregoing that insufficient weight can be accorded to the material consideration 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 refurbishment of this utilitarian commercial building will result in a

visually interesting building with glass screens on to the courtyard. The courtyard will be enhanced, a ramp for disabled access will be formed and the historic fabric of the lane will be retained and restored. The design proposals are supported and will enhance the area.

### CONCLUSION

The proposed change of use will provide a cafe which will add to the range of food premises in this part of the City Centre, within the Cultural Quarter. The renovation of the building will enhance the appearance of this part of the Conservation Area and will retain and reuse historic materials to provide character to the development. The proposal complies with the relevant policies in the Dundee Local Plan Review 2005 and the single objection from neighbouring food premises is not supported. Accordingly, the application is Recommended for APPROVAL subject to 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 Use of the external courtyard as a seating area for patrons shall be limited to 1000hrs to 2100 hrs on any day.
- 3 Total noise from mechanical and electrical services shall not exceed NR45 during the daytime as measured 1m external to the facade of the adjacent residential accommodation and NR35 during the night time. For the avoidance of doubt, daytime shall be 0700 - 2300 hrs and night time shall be 2300 - 0700 hrs.
- 4 Full details of the proposed access ramp and rear courtyard, including the access gates, 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 The access from Tay Street Lane shall be refurbished to include the

retention of the setts and the metal edged cart tracks in accordance with details which have been 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.

- 6 Full details of the proposed new external lights 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.

### Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.
- 3 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.
- 4 In order to safeguard the visual amenity of the Conservation Area.
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