

KEY INFORMATION

Ward Bowbridge

Proposal

Installation of retractable awning above the front window

Address

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Dundee
DD3 8DQ

Applicant

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Agent

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Registered 25 April 2006

Case Officer Eve Jones



Proposed Awning at Pub in Strathmartine Road

The installation of a retractable awning above the front window is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposal fails to comply with Policy 1 of the Dundee Local Plan Review 2005 due to the potential increase in noise, smell and litter in the vicinity to the detriment of the environmental quality enjoyed by local residents. The planning issues in the objection are supported. Accordingly, the application is Recommended for REFUSAL.

SUMMARY OF REPORT

- Planning permission is sought for the installation of an awning on the front elevation of this public house. The awning is to be 2.44 wide and 1.2 metres deep and will be 2 metres above the footway. A halogen heat lamp will be located beneath the awning. It will be installed above the window on one side of the entrance door.
- This is a traditional public house occupying the ground floor of a stone built tenement at the corner of Strathmartine Road and Francis Street. There are flats on the upper floors.
- Policy 1 - Vibrant and Sustainable Communities is relevant and seeks to minimise any effect on the environmental quality enjoyed by local residents. One letter of objection was received from a local resident on the grounds of increased noise and disturbance.
- It is considered that the proposal is contrary to Policy 1 and the terms of the objection are supported. The design and position of the awning is also unacceptable under other legislation as it is not high enough above the footway.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the installation of an awning on the front elevation of this public house. The awning is to be housed in an external box attached to the fascia and is 2.44 metres wide. It will project 1.2 metres across the footway. The supporting arms are located at 2 metres above the footway with the end of the awning 2.1 metres high. A halogen heat lamp is to be located beneath the awning.

The proposal is designed to provide an area for those patrons of the public house who wish to smoke, in light of the new Legislation which bans smoking in public houses and other public places.

SITE DESCRIPTION

The application site is a traditional public house occupying the ground floor of a stone built tenement at the corner of Strathmartine Road and Francis Street. There are flats on the upper floors. The awning will be installed above the window on one side of the entrance door.

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 policy is of relevance:

Policy 1: Vibrant and Sustainable Communities seeks to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

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 does not comply with either Key Theme 8: "Health is protected by creating safe, clean, pleasant environments" or Key Theme 15: "Diversity and Local distinctiveness are valued and protected".

SITE HISTORY

There is no relevant site history.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 1 letter of objection was received on the grounds of increased noise and potential anti-social behaviour from customers



PROPOSED ELEVATION A-A

gathered under the awning throughout the evening. Copies of the objection letter are available for inspection in the Members' Lounges.

The issues raised will be discussed in further detail in the 'Observations' section of this report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advises that the premises are situated directly beneath residential accommodation and groups of individuals congregating to smoke beneath the windows of living apartments is likely to give rise to disturbance to residents and noise complaints. The premises have a regular extension to their license permitting liquor to be served until 0000hrs.

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.

In terms of Policy 1 of the Dundee Local Plan Review 2005, the application raises issues in terms of design and layout, pedestrian movement issues, noise and smell.

The proposal is located on the front elevation of the building. The awning is of a type traditionally used above shops to screen foodstuffs from the effects of sunlight. It is incongruous on this building and would have a detrimental impact on its appearance.

The awning is between 2metres and 2.1 metres above the footway. The minimum distance as required by the Roads (Scotland) Act 1984 is 2.25 metres in the interests of public safety. The design of the awning is therefore unacceptable under that legislation.

The nearest flatted properties are immediately above the site. This development has the potential to affect residents by reason of noise and smell and there is likely to be an increase in litter in the local area of the awnings. The Head of Environmental Health and Trading Standards supports this view.

It is considered for the above reasons that the proposed development does not comply with Policy 1.

From the foregoing it is concluded that the proposal does not comply with the provisions of Policies 1 of the Dundee Local Plan Review 2005.

Other Material Considerations

Objection

The objector is concerned by the increased noise and potential anti-social behaviour from customers gathered under the awning throughout the evening. The noise issue is discharged in the policy section above. Anti-social behaviour is a matter for regulation by the police. The terms of the objection on planning grounds are supported.

There are no material considerations which support the granting of planning permission contrary to the terms of the Development Plan.

Design

The issues of design have been addressed in the foregoing observations.

CONCLUSION

It is concluded that the proposed development does not comply with the provisions of Policy 1 of the Dundee Local Plan 2005. The views of the objector on planning grounds are supported. It is recommended that planning permission be REFUSED.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason:

Reason

- 1 The proposed development is contrary to Policy 1 - Vibrant and Sustainable Communities of the Dundee Local Plan Review 2005 as the size, design and location will be detrimental to the appearance of the building; the awning will encourage patrons to congregate on the footway which will be likely to result in increased noise and smell to local residents and increased litter in the vicinity. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.