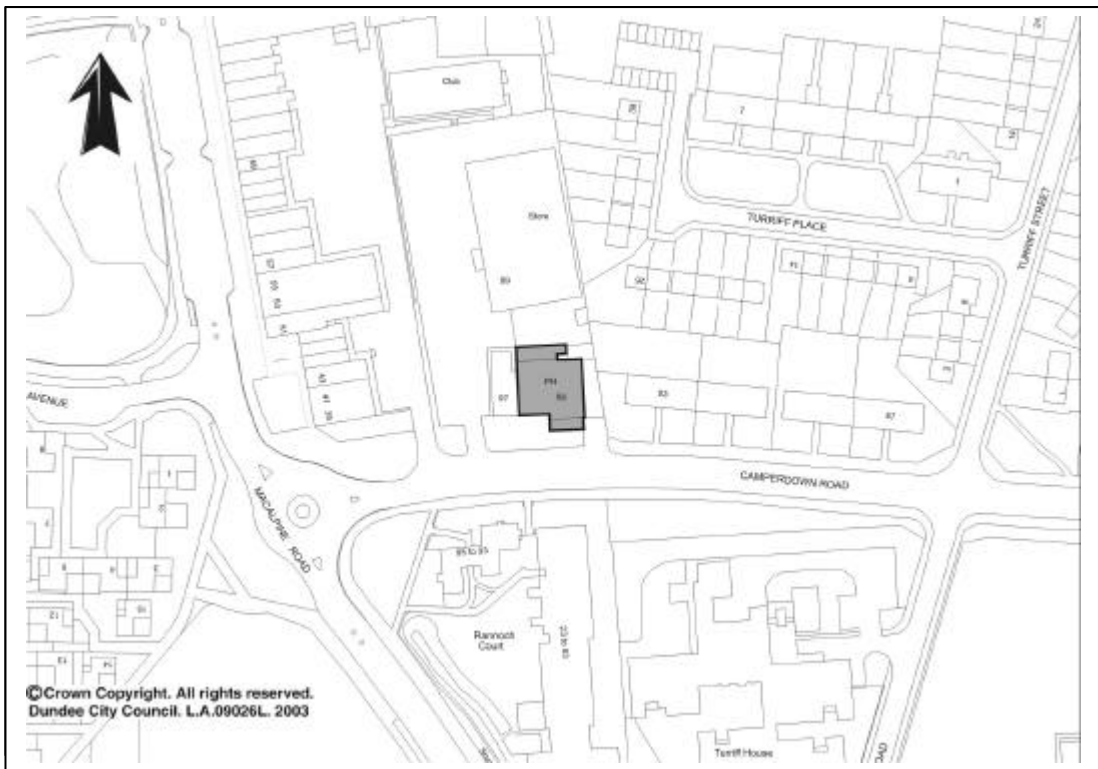


KEY INFORMATION**Ward** Ardler**Proposal**

Change of use from public footway to outdoor seating area

AddressThe Admiral
95 Camperdown Road
Dundee**Applicant**S & N Pub Enterprises
2/4 Broadway Park
South Gyle Broadway
Edinburgh
EH12 9JZ**Agent**CRT Property Consultants
66/2 Falcon Avenue
Edinburgh
EH10 4AW**Registered** 28 June 2006**Case Officer** Eve Jones

Proposed Outdoor Seating Area for Public House in Camperdown Road

The change of use from public footway to outdoor seating area is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is contrary to Policy 1 of the Dundee Local Plan Review 2005 as the seating area will encourage patrons to gather outside the premises and the resulting increase in noise will have an adverse affect on the amenities of neighbours. The objection on noise grounds is supported. The application is Recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the change of use from public footway to outdoor licensed seating area with the installation of an awning on the front elevation of the building and a fabric and stainless steel patio screen. The awning is 6 metres wide, 2.3 metres deep and is a minimum of 2.1 metres high. Both heating and lighting are to be provided below the awning.
- Single storey public house on the east edge of the local shopping centre at the junction of Camperdown Road and Macalpine Road. The building is set back from the road with a wide footway divided by an existing line of bollards.
- In terms of Policy 1 of the Dundee Local Plan Review 2005, the application raises issues in terms of noise. The nearest flatted properties are immediately to the east of the site. This development has the potential to affect residents by reason of noise. The Head of Environmental Health and Trading Standards supports this view.
- The objector is concerned about an increase in noise, the likely increase in anti-social behaviour and the bad example set to pupils at local schools. Anti-social behaviour and the example to children are matters for the Licensing Board to consider. The terms of the objection in respect of noise are supported.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use from public footway to outdoor licensed seating area with the installation of an awning on the front elevation of the building and a fabric and stainless steel patio screen. The awning is 6 metres wide, will project 2.3 metres across the site and is a minimum of 2.1 metres high. Both heating and lighting are to be provided below the awning.

SITE DESCRIPTION

Single storey public house on the east edge of the local shopping centre at the junction of Camperdown Road and Macalpine Road. The building is set back from the road with a wide footway divided by an existing line of bollards. There are flatted dwellings immediately to the east with a school and residential home for the elderly on the south side of the road. One table has already been fixed to the footway outside the pub.

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 fails to comply with Key Theme 7, access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.



SITE HISTORY

There is no relevant planning history.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and 1 objection was received on the grounds that the proposed seating area will increase noise and anti social behaviour and will set a bad example to pupils of nearby schools. 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 adjacent to residential accommodation and groups of individuals congregating outside the premises 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. There have been recent noise complaints regarding this site.

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.

In terms of Policy 1 of the Dundee Local Plan Review 2005, the application raises issues in terms of noise.

The proposed licensed seating area is located on the front elevation of the building. The nearest flatted properties are immediately to the east of the site. This development has the potential to affect residents by reason of noise. The Head of Environmental Health and Trading Standards supports this view.

The site lies on the edge of the busy Macalpine Road shopping area where there is a relatively high level of vehicular and pedestrian traffic during the day and well into the evening. It is likely that the size and scale of the area combined with the size of the proposed awning would encourage significant numbers of patrons to gather beneath the awning especially given the impact of the recent smoking ban. The provision of heating and lighting will further encourage use of the area over longer periods of time in all weathers. This is likely to result in increased noise affecting the adjacent neighbours. Therefore, for the above reason, it is considered that the proposed development does not comply with Policy 1 of the Dundee Local Plan Review 2005.

Other Material Considerations

Objection

The objector is concerned about an increase in noise from the proposed licensed seating area to the front of the public house, the likely increase in anti-social behaviour and the bad example set to pupils at local schools. The noise issue is discharged in the policy section above. Anti-social behaviour and the example to children are matters for the Licensing Board to consider. The terms of the objection in respect of noise are supported.

Design

The public house has large windows to the street elevation, is well painted and maintained and is an attractive contribution to the street scene. The proposed awning which will extend 2.3 metres over a width of 6 metres and combined with the proposed fabric and stainless steel screen will obscure part of the building and enclose the site which is currently open. It is considered that this will have a detrimental impact on the appearance of the building.

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 are supported in respect of noise. 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 change of use to an outdoor licensed seating area with awning, screens, heating and lighting is considered to be contrary to Policy 1 "Vibrant and Sustainable Communities" as the area will encourage patrons to gather and the resulting increase in noise will be detrimental to the environmental quality enjoyed by local residents. The installation of the awning will also have a detrimental impact on the appearance of the building. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the Policy.