

KEY INFORMATION

Ward Maryfield

Proposal

Elevational
alterations/erection of
canopy over door

Address

The Broadway Bar
20 Erskine Street
Dundee

Applicant

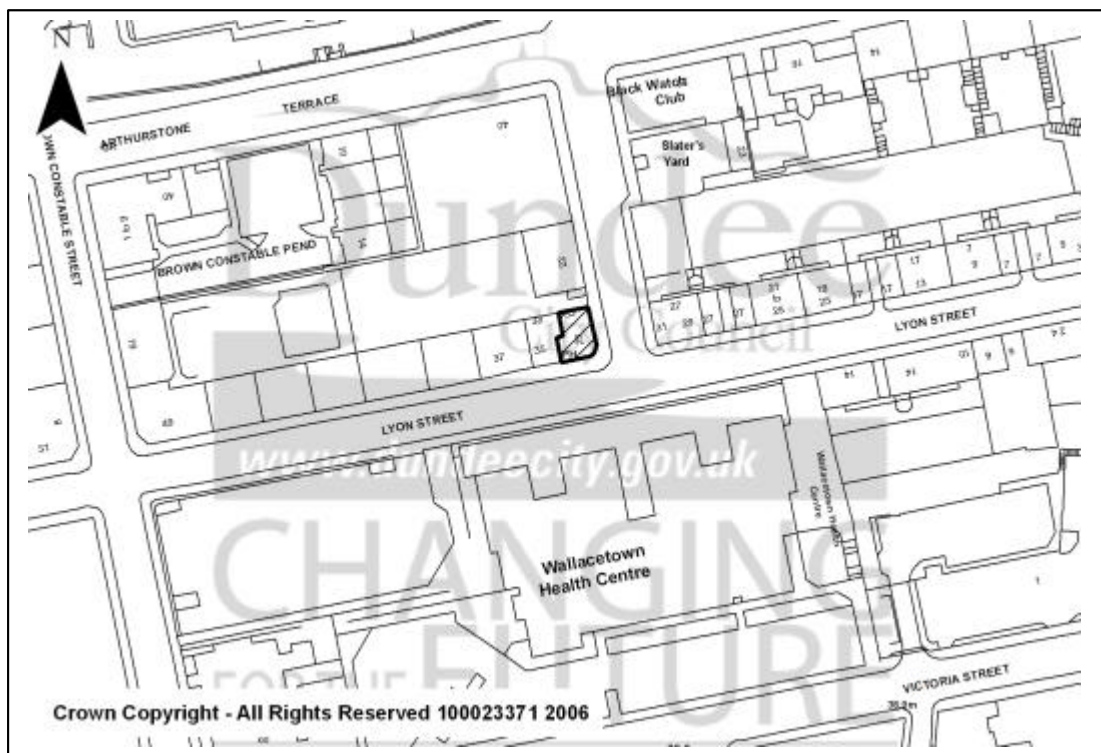
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Registered 17 Jan 2008

Case Officer P Macari



Proposed Canopy at the Broadway Bar in Erskine Street

Elevation alterations and the erection of a canopy are **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

The views of the objectors are supported. There are no material considerations that would justify laying aside the development plan to grant planning permission. As such, it is recommended that planning permission be refused.

SUMMARY OF REPORT

- Full planning permission is sought for the erection of a canopy above the entrance to the Broadway Bar Public House.
- Policy 1 (Vibrant and Sustainable Communities) and Policy 55 (Urban Design) of the Dundee Local Plan 2005 are relevant to the outcome of this planning application.
- Two letters of objection have been received from third parties concerned about increased noise disturbance as result of smokers congregating beneath the proposed canopy, increased levels of litter and as a result the impact on current levels of amenity enjoyed by neighbouring residents.

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the erection of a canopy above the existing entrance to the Broadway Bar Public House. The proposed canopy will be situated 2.3m above ground level and will project 0.76m from the front elevation of the building. The proposed canopy will have an aluminium frame finished in grey/ silver PVC. Whilst the proposed canopy will be retractable, the applicant has confirmed that the purpose of the canopy will be to provide a sheltered entrance to the public house and to add to the character of the Broadway theme.

SITE DESCRIPTION

The application site comprises a public house located on the ground floor of a 4 storey tenement block. The upper floors of the building are used for residential accommodation in the form of flats. The application site is situated on the northern side of Lyon Street on the western side of the junction with Erskine Street. There is a communal area to the rear of the site shared by the applicants and neighbouring residents. Access to this area is taken from Erskine Street by way of a pend between the application site and 22 Erskine Street.

Buildings adjacent to the application site mirror the scale, massing and design of the host building with commercial units occupying the ground floor and residential units on the floors above. Such buildings are finished in materials matching the building that houses the application site.

The application site itself fronts both Erskine Street and Lyon Street with the point access situated on the corner. The elevations have black painted base coursing with red painted roughcast walls. There are high level windows on both elevations that are frosted with clear glass lettering advertising the bar. There are red and yellow timber painted signs illuminated through black trough down lighters.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities - the City Council will promote vibrant communities, encouraging the development of an appropriate range of services and facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any affect



on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

Policy 55: Urban Design - for all new developments the emphasis will be on design quality and the City Council will seek the creation of new public places and points of interest which incorporate architectural and landscape features and reflect and enhance historic street layouts, significant views and vistas. All development should respect the setting of listed buildings.

The City Council require the use of Design Statements for planning applications or listed building applications for new buildings or extensions to existing buildings on significant sites.

All development will, in its design and layout, be expected to contribute to an environment which is safe and accessible to all.

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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.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no planning history of relevance to the outcome of this planning application.

PUBLIC PARTICIPATION

The applicant has carried out the statutory neighbour notification procedure in accordance with the provisions of Part 2 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. Two

letters of objection have been received raising concerns over:

- Noise Disturbance
- Smell
- Litter
- Residential Amenity

CONSULTATIONS

No adverse comments have been received 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.

The proposed canopy extension is considered to be contrary to Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005. This is because the proposed canopy will encourage customers who smoke to congregate at the entrance to the Public House increasing the potential for smell to vent into the residential premises above, noise disturbance and anti-social behaviour associated with the consumption of alcohol. The proposed canopy will therefore significantly impact upon the residential environment enjoyed by residents of both Erskine Street and Lyon Street. Although the style, projection and dimensions of the canopy are considered appropriate for the design and exterior decor of the application site, the proposed vinyl finish is not considered to be visually appropriate and would detract from the character of the traditional tenement block streetscape.

The proposed canopy is considered to be contrary to the provisions of Policy 55 (Urban Design) of the Dundee Local Plan Review 2005. This is because the proposed canopy by virtue of finish will detract from the visual amenity of the existing building and the traditional character of the tenement streetscape. This is due to the use of vinyl rather than a traditional cloth/material canopy that would be in keeping with the natural building and finishing materials of the surrounding commercial and residential properties as well as the "Broadway" theme of the exterior decor.

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:

Views of Objectors - the concerns of the objectors are summarised in the public participation section above. The concerns of the objectors relating to noise disturbance and residential amenity are considered in the Observations section and are

supported. Concerns relating to litter are not material to the outcome of this planning application. However, there are public litter bins in close proximity to the application site as well as bins within the premises that can be utilised.

It is concluded from the foregoing that sufficient weight can be accorded to any of the material considerations 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 refused.

Design

While, the scale, design and massing of the proposed canopy are considered appropriate to the application site; the use of vinyl rather than cloth/material is considered to detract from the character of the tenement streetscape. This is because the vinyl will contrast heavily with the natural finishing materials of neighbouring residential and commercial premises.

CONCLUSION

The views of the objectors are supported. There are no material considerations that would justify laying aside the development plan to grant planning permission. As such, it is recommended that planning permission be refused.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reasons:-

- 1 The proposed development is contrary to Policy 1 - Vibrant and Sustainable Communities of the Dundee Local Plan Review 2005 as the location of the canopy will encourage patrons to congregate at the entrance to the Broadway Bar to the detriment of the amenities enjoyed by local residents in the flats above as a result of increased noise and smell disturbance. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.
- 2 The proposed development is contrary to Policy 55 - Urban Design of the Dundee Local Plan Review 2005 as the finish

of the canopy will detract from the visual amenity of the surrounding traditional tenement streetscape. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.