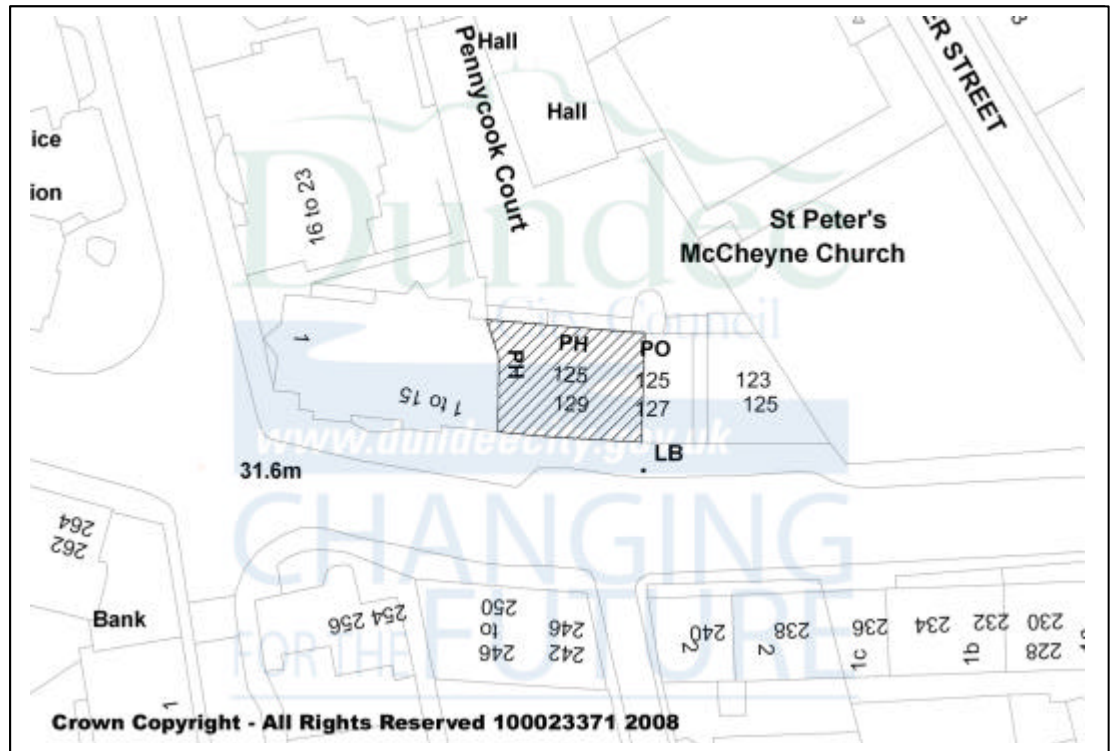


**KEY INFORMATION**

Ward West End

**Proposal**

Alteration to existing public house

**Address**127A-129 Perth Road  
Dundee  
DD1 4JD**Applicant**Commercial Pub Co  
Belsize House  
Belsize Road  
Broughty Ferry  
Dundee  
DD5 1NS**Agent**Nicoll Russell Studios  
11 King Street  
Broughty Ferry  
Dundee  
DD5 1EL**Registered** 7 May 2008**Case Officer** B Knox

# Replacement Shopfront Proposed for Tay Bridge Bar

Alterations to this existing public house are **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is concluded that the proposal is not in accordance with the relevant Policies of the Dundee Local Plan Review and fails to discharge the statutory duties set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The views of the objector are not supported. The application is therefore recommended for REFUSAL.

**SUMMARY OF REPORT**

- Planning permission is sought for elevation alterations to a public house situated on the Perth Road. The site is located within the District Centre.
- One letter of objection was received in relation to the application.
- Policies 55 and 61 of the Dundee Local Plan Review are relevant to the determination of this application.
- It is considered that the proposal fails to comply with the policies. There are no material considerations that would justify a decision contrary to the provisions of the Development Plan and as such the application is recommended for REFUSAL.

## DESCRIPTION OF PROPOSAL

The application seeks permission for alterations to the frontage of an existing public house. At present, there are two main doors on the front elevation. This will be changed to one man door. The frontage will be replaced with new timber windows which will have a vertical emphasis. The signage will remain unchanged.

The proposed internal alterations indicated on the submitted plans do not require planning permission.

## SITE DESCRIPTION

The application site is located on the Perth Road, in the west end of the city. The application property is a public house which occupies the ground floor of part of a larger block. There is a separate flatted development to the west of the site which is of modern appearance. There are further flatted properties above the application site. The ground floor to the east is occupied by the Post Office also with flatted properties above. The frontage of the property is traditional with detailed glazing which contributes to the character of the property and the surrounding conservation area.

The site is located within the District Centre as defined in the Dundee Local Plan Review 2005 and as such there are a variety of uses to the ground floor units that might be typically expected in such an area. For example, Post Office, café and the application site a public house.

The application site is also located within the West End Lanes conservation area but is not a listed building.

## 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

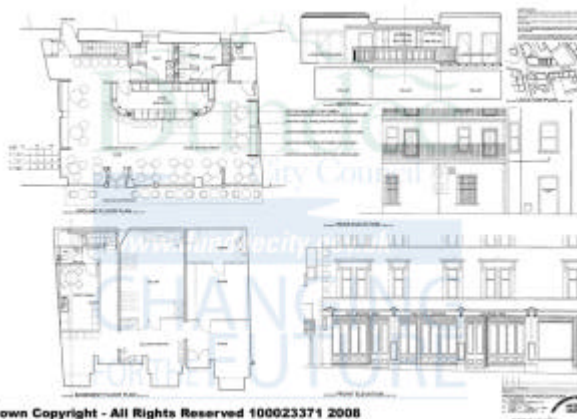
The following policies are of relevance:

Policy 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.



Policy 61: Development In Conservation Areas - within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as

identified in the Conservation Area management plans to be advanced in the near future.

## 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

Dundee City Council was consulted by Historic Scotland in March 2008 regarding a proposal for the Listing of the application property. It was considered that this proposal could be supported.

An application for an outdoor seating area to the south of the public house was refused by the Committee on 18 August 2008 (08/00446/COU).

## PUBLIC PARTICIPATION

The proposal has been the subject of one objection. The issues raised relate to:

- the proposed fire exit would be blocked by bins and would be open to misuse from smokers in the bar and would infringe on the security of residents;
- proposed seating on the narrow pavement area would cause a nuisance and disturbance.
- the proposals should take account of the historic features of the building and as far as the planning system permits, the historic interior.

Copies of these objections can be viewed in the Members Lounges. It is intended to comment on the issues raised in the "Observations" Section of this report below.

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## CONSULTATIONS

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No adverse comments have been received from any consultees.

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## OBSERVATIONS

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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 55 of the Dundee Local Review 2005, the emphasis is on design quality. The proposal seeks to utilise timber to the frontage and will be painted thereafter. The proposed design to the frontage of the building is not considered to be appropriate to the area as the works would mean that the traditional glazing to the front elevation would be lost which has an important contribution to the character of the property and surrounding area. The application is therefore considered to contravene this policy.

Policy 61: Development in Conservation Areas states that all developments should preserve or enhance the character of the surrounding area. As stated above, the materials and design of the proposals are not considered to be acceptable and will have a negative effect up on the character of the conservation area. The application is therefore not considered to comply with this policy.

It is concluded from the foregoing that the proposal fails to comply with the provisions of the development plan.

### Other Material Considerations

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

The Statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

This requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As explained above in the context of the assessment of the proposal under Policy 61 of the adopted Local Plan, it is considered that the proposed development fails to preserve the character and appearance of the Conservation Area and as such fails to discharge the statutory duties as set out above.

The views of the objector:

- the proposed fire exit would be blocked by bins and would be open to misuse from smokers in the bar and would infringe on the security of residents.

The above concern does not relate to the current application which seeks permission for alterations to the front of the property only.

- proposed seating on the narrow pavement area would cause a nuisance and disturbance.

The proposed seating has been the subject of a separate planning application for Change of Use 08/00446/COU which has been refused at the August Development Quality Committee on 18 August 2008.

As indicated above the property is not listed as being of historic or architectural important although the Council has been consulted by Historic Scotland on a proposal to list this building.

A separate report elsewhere on this agenda considers this issue in further detail.

The current application under consideration seeks planning permission for alterations to the exterior of the building only and these alterations have been assessed in the Observations Section above.

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

### Design

The materials and design of the proposals are not considered to be acceptable and will have a negative effect up on the character of the conservation area.

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## CONCLUSION

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It is concluded that the proposal contravenes the relevant Policies of the Dundee Local Plan Review and fails to discharge the statutory duties set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, the views of the objector are not supported. The application is recommended for REFUSAL

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## RECOMMENDATION

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

### Reasons

- 1 The application fails to comply with Policies 55 and 61 of the Dundee Local Plan Review 2005 as the works would mean that traditional glazing to the front of the property would be lost which has an important contribution to the character of the property and surrounding area and would therefore have a negative effect upon the character of the conservation area.
- 2 The application fails to discharge the statutory duties set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works would have a negative effect upon the character and appearance of the conservation area.