

KEY INFORMATION

Ward Strathmartine

Proposal

Retrospective erection of decking and fence to north elevation

Address

The Downfield Hotel
530 Strathmartine Road
Dundee

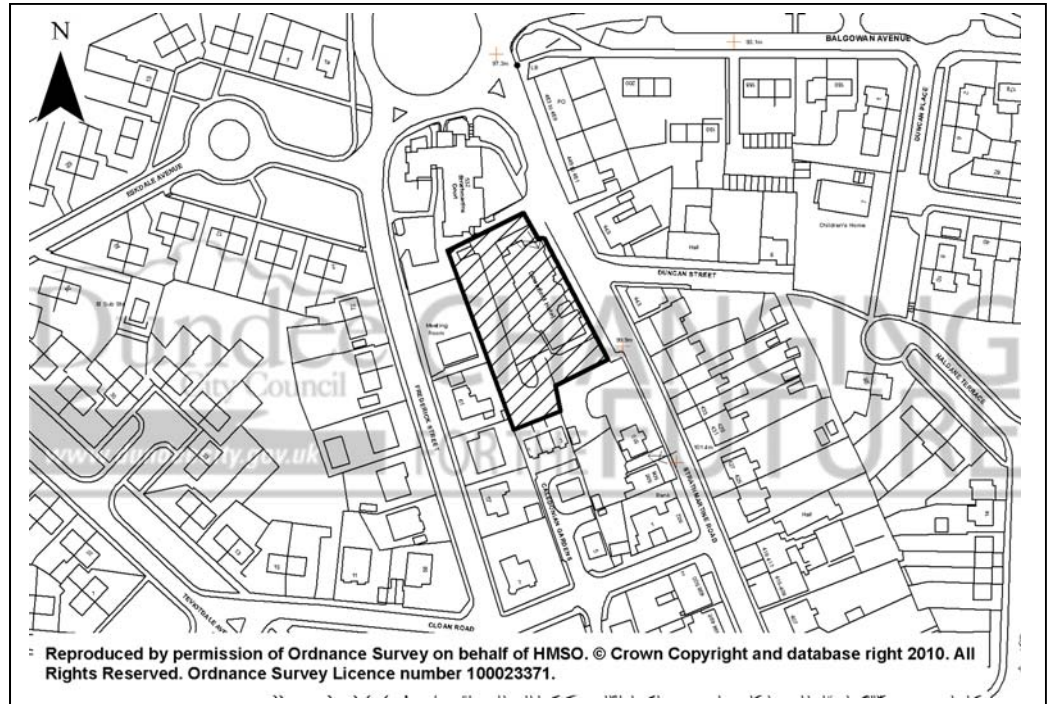
Applicant

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The Downfield Hotel
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DD3 8BL

Agent

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Dundee
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Registered 12 Aug 2010



Retention of Decking at the Downfield Hotel

The retrospective erection of decking and fence to the north elevation is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of City Development.

RECOMMENDATION

It is concluded that the application is acceptable and does not detract visually from the surrounding area or the existing property. It is considered that there will be no significant impacts upon neighbouring properties as a result of the decking subject to the use of appropriate conditions to restrict the times the decked area can be utilised. The application is therefore recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- The application seeks retrospective permission for a small decked area to the north of the property.
- Policy 1 and Policy 53 of the Dundee Local Plan Review 2005 is considered to be relevant to the determination of the application.
- The proposals contravene Policy 1 (Vibrant and Sustainable Communities) and Policy 53 (Licensed and Hot Food Premises Outwith the City Centre) of the Dundee Local Plan Review 2005. However, there are material considerations that would justify laying aside the provisions of the Development Plan to approve planning permission
- In total there have been 5 letters of objection received in relation to the proposal.
- The decking is considered to be appropriate subject to the use of condition to restrict the times it can be utilised as such is recommended for approval.
- The application is being referred to Committee at the request of a Councillor.

DESCRIPTION OF PROPOSAL

The application seeks retrospective permission for a small decked area to the north of the property. The decking has already been installed and is surrounded by a high vertical timber slatted fence of approximately 2 metres. The decking area is small measuring approximately 39m² and there is room in the centre to accommodate one large picnic type table.

The decking would be accessed from the front of the public house close to the entrance to the bar area.

It is situated approximately 15 metres from the nearest residential properties to the north of the site.

SITE DESCRIPTION

The site relates to an existing property known as the Downfield Hotel but which offers public house and function suite facilities only at this time. The building occupies a site measuring approximately 1,939m². It is a building that has been altered and extended in the past with two distinct types of design. The south most part of the building appears to be the oldest part of the establishment and the northern section is a later addition. The original part of the building is of traditional design with two storeys and a natural slated roof. This part of the building also includes a ground floor conservatory style addition to the front elevation.

The part of the building to the north is of a contrasting design with a flat roof and dark stained timber cladding feature panels.

There is a car park to the rear of the property which takes access from the north of the hotel from Strathmartine Road.

There are residential properties to the rear of the application site and to the south of the site there are some terraced houses and an access driveway which slopes upwards to a dwelling further south down Strathmartine Road.

There is a sheltered flatted complex to the north of the site of four storeys in height which is situated approximately 15 metres away.

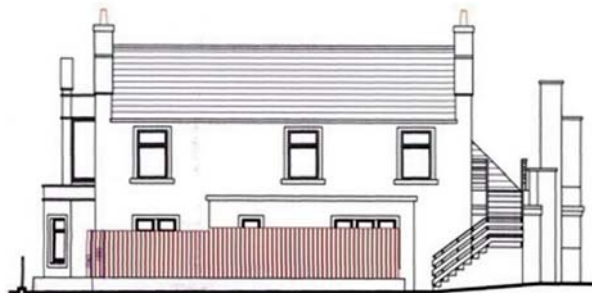
POLICY BACKGROUND

Dundee Local Plan Review 2005

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 53: Licensed and Hot Food Premises Outwith The City Centre. In general, outwith the District Centres no licensed premises other than off licences or hotels with a restricted license and no premises selling hot food is acceptable:



NORTH ELEVATION

- within 30 metres of existing and proposed housing if the outlet does not exceed 150m² gross floorspace (excluding cellar space) and;
- within 45 metres if the 150m² figure is exceeded.

In the District Centres some relaxation of the above controls on distance from residential property may be appropriate. However, proposals for hot food takeaways other than those outlined below, will not be permitted in premises directly adjoining (ie

directly above or to either side) residential property which is not within the control of the takeaway proprietor/operator.

Where hot food carryout premises and snack bars/cafes/tea rooms are proposed which would not meet the above requirements these may be permitted subject to:

- the hours of operation being limited to between 7.00am and 7.00pm; and
- the hot food not requiring to be prepared on the premises and only requiring heating by means of a microwave oven or other method which would not cause a nuisance to surrounding residential property by virtue of 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.

SUSTAINABILITY ISSUES

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

SITE HISTORY

There have been several extensions and additions to the property dating from more than 30 years ago but the most relevant application to the current application is as below:

04/00703/COU - Change of Use of part of car park to beer garden. Approved on 25 October /2004 subject to time restriction conditions.

PUBLIC PARTICIPATION

The Statutory Neighbour Notification procedure was carried out and in total 5 letters of objection were received within the statutory timescale and the following valid planning issues were raised:

- 1 Concerns with regards to the noise emanating from the establishment arising from customers late at night.
- 2 Loss of privacy close to objectors house - there would be additional strains on the area due to limited parking facilities at the establishment.
- 3 The extension will provide additional areas for those wishing to smoke and hence have doors of the building open leading to noise late in the evenings at weekends.
- 4 Other concerns were raised in relation to the use of the upper floor for function room and bar facilities but this is not a planning issue since no change of use has or is proposed to take place and planning permission is not therefore required.

Members will already have had access to the objection letter(s) and it is intended to comment on them in the Observations Section of the report below.

CONSULTATIONS

Environmental Health and Trading Standards have advised that there is the potential for the decking to cause noise disturbance to the north and as such conditions should be considered to restrict the use at certain times.

OBSERVATIONS

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other material considerations indicate otherwise.

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 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005 is relevant to the outcome of this planning application.

It is the aim of Policy 1 to support development proposals that seek to minimise the impact upon environmental quality afforded to neighbouring properties by virtue of design, layout, parking and traffic movement issues noise and smell.

In addition Policy 1 also requires development proposals to accord with other policies in the plan.

The proposed decking has been sympathetically designed and positioned so as not to detract from the appearance of the existing building. It is surrounded by high timber fencing to the north and west elevations and a lower balustrading to the east and south. It is of a neat and tidy design and despite the fact that it is viewable from the public elevations it does not detract from the appearance of the main property and is not overly prominent.

The decked area will be located no less than 15m from the neighbouring properties to the north.

The Council has to balance the reasonable desire of the business to cater for its customers and maximise the use of the site with the impact of further developments on the amenities of the surrounding neighbours. The design of the terrace will enhance the building and provide a modern break out area. However it has the potential, if unrestricted, to be used by a reasonable number of persons. It is considered that use of the terrace by customers should cease at 9pm in the interests of residential amenity. In addition, there should be no amplified music provided at this location which could further disturb residents. Subject to the use of appropriate conditions, it is considered that the potential issue of noise disturbance can be addressed and the application can be recommended for approval subject to conditions.

As the proposals will not intensify the use of the existing public house facilities the proposals will not give rise to any parking or traffic movement issues that would impact upon the level of amenity afforded to neighbouring properties.

The proposed decked area is considered to enhance the facilities available to visitors and customers without significantly impacting upon the level of environmental quality afforded to neighbouring properties. The proposals therefore satisfy the requirements of Policy 1 (Vibrant and Sustainable Communities) of the Dundee Local Plan Review 2005.

In terms of Policy 53 of the Dundee Local Plan Review 2005 the site is located in breach of the prescribed distances to the nearest residential

properties. However, the existing site breaches these distances and the additional small decking area will not significantly exacerbate the proximity to the nearest dwelling.

It is concluded from the foregoing that the proposals do not comply with Policy 53 in terms of distance to residential property and as a consequence the proposals also fail to comply with the requirements of Policy 1 of the adopted Local Plan.

Material Considerations

Views of the objectors:

- 1 Concerns with regards to the noise emanating from the establishment arising from customers late at night.

The issue in relation to noise has been discussed above in relation to Policy 1 of the Dundee Local Plan Review 2005. It has been concluded that whilst the decking has the potential to impact upon the nearby residents, this can be adequately controlled through condition on the hours of use.

- 2 Loss of privacy close to objectors house.

The decking is enclosed by timber fencing to two sides which means to the those elevations (north and west) there is virtually no potential for overlooking of nearby properties. Although this is simply low balustrading to the front of the decking this looks onto a busy street with high volumes of pedestrian and vehicular traffic and there will be a distance of approximately 15m to the flatted properties directly on the opposite side of Strathmartine Road.

- 3 There would be additional strains on the area due to limited parking facilities at the establishment.

The location for the proposed extension does not impede existing car parking spaces and is therefore considered to be acceptable in this regard. In addition, the proposals will not intensify the use of the existing facilities and therefore it is considered that the proposals will not give rise to any parking or traffic movement issues that would impact upon the level of

amenity afforded to neighbouring properties.

- 4 The extension will provide additional areas for those wishing to smoke and hence have doors of the building open leading to noise late in the evenings at weekends.

This issue has been discussed above in relation to Policy 1 and noise issues. It is considered that the amenity of the nearby residential occupiers can be adequately controlled through the use of a condition on any grant of permission.

Taking the above in to consideration the views of the objectors are not supported in this instance. Furthermore, the proposal is in compliance with the majority of Policy 1 requirements and it is only due to the proximity of the public house to existing residential properties that the application fails to comply with Policy 53 of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that insufficient 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 granted with conditions.

Design

As discussed above the design of the decking is considered to be in keeping with the main part of the building and will not detract from the surrounding area. The scale is in keeping with that of the main building and does not look out of place or appear overly prominent in its location.

CONCLUSION

It is concluded from the foregoing that the application is acceptable and will not detract visually from the surrounding area or the existing property. It is considered that there will be no significant impacts upon neighbouring properties as a result of the decking subject to the use of appropriate conditions to restrict the times the decked area can be utilised.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following condition:

- 1 The hours of operation of the decked area hereby approved shall be as follows:
 - a September to June - open from 11.00am Monday to Saturday and 12.30pm on Sundays; closing at 8.00pm; and
 - b July and August - open from 11.00am Monday to Saturday and 12.30pm on Sundays, closing at 9.00pm.

Reason

- 1 In order to protect the amenities of the nearby residential occupiers.