

Change Of Use From Offices to Cafe

KEY INFORMATION

Ward

Address

5 Bank Street
Dundee
DD1 1RL

Applicant

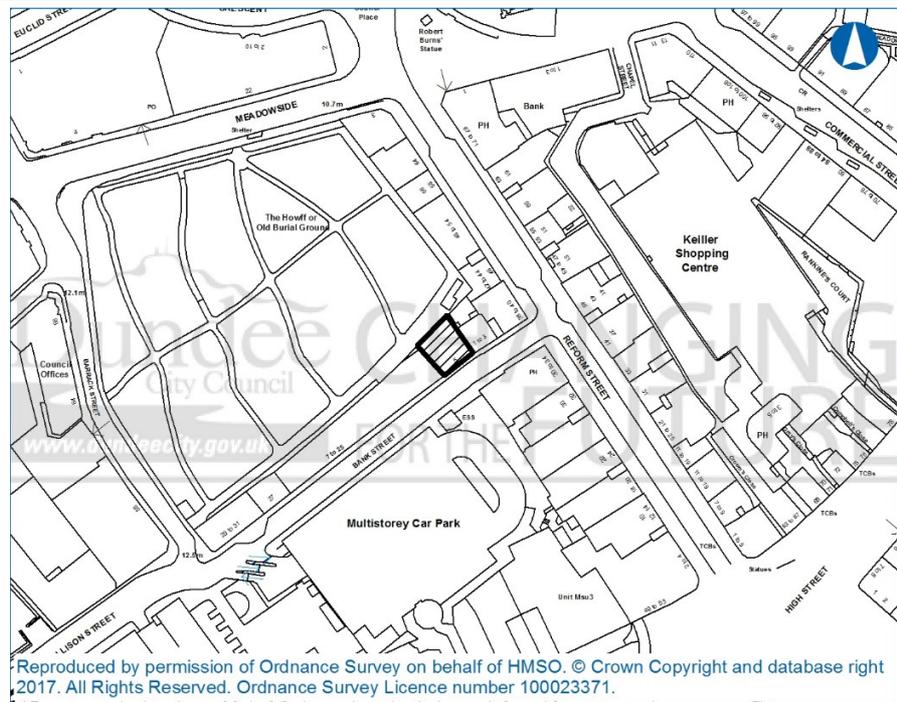
Mr L Chadwick
12 Blinshall Street
Dundee DD1 5DS

Agent

Jackie Stephen
95 Dundee Street
Carnoustie DD7 7EW

Registered 21 Feb 2017

Case Officer Claire Myles



SUMMARY OF REPORT

- The application proposes a change of use on the ground floor of a four storey B-Listed building from offices to a café and associated alterations.
- The application site is a four storey and basement B-Listed building located in the Central Conservation Area. The property currently comprises vacant commercial use on the ground floor and basement and residential use on the upper floors.
- The application was the subject of neighbour notification and five letters of objection have been received which raise issues in relation to the impact on the listed building and conservation area.
- The application is being referred to the Development Management Committee at the request of an Elected Member.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

RECOMMENDATION

The application complies with policies 7, 47, 48 and 50 of the Adopted Dundee Local Development Plan 2014. There are no material considerations that would justify the refusal of this application. The application is therefore recommended for **APPROVAL** subject to conditions.

1 DESCRIPTION OF PROPOSAL

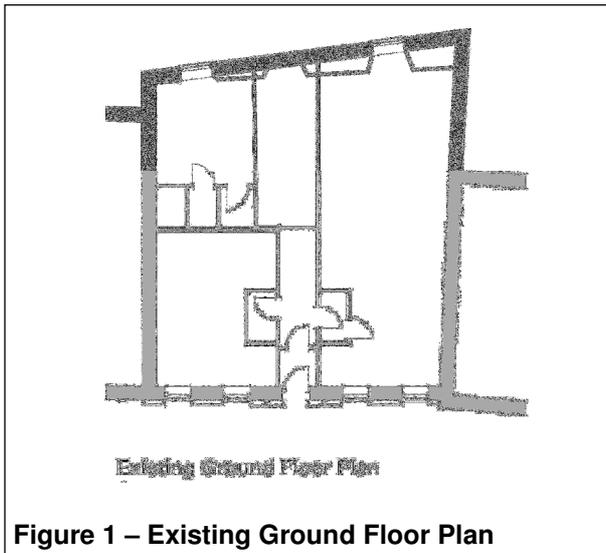


Figure 1 – Existing Ground Floor Plan

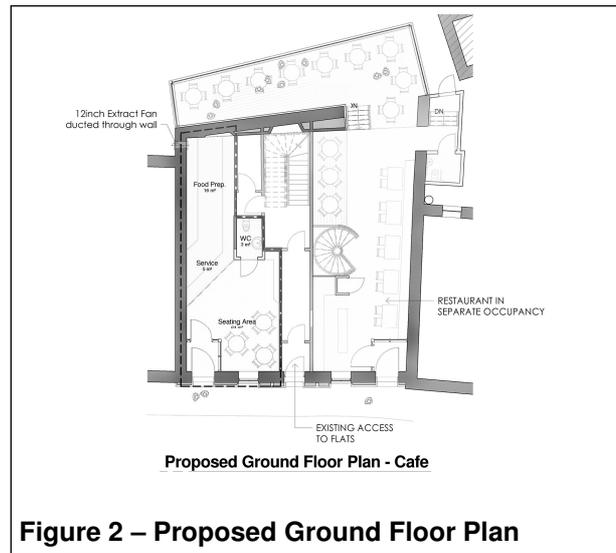


Figure 2 – Proposed Ground Floor Plan

- 1.1 The application proposes a change of use on the ground floor of a four storey and basement B-Listed building from commercial offices to a café and associated internal and external alterations.
- 1.2 The external alterations include removing an existing timber sash and case window on the front elevation of the B-Listed building to create a new larger opening for a separate entrance door to the cafe.
- 1.3 The proposed hours of operation of the café are 8.00am to 8.00pm Monday to Saturday.
- 1.4 There is a related application for listed building consent reference 17/00083/LBC.

2 SITE DESCRIPTION

- 2.1 The application site is a four storey and basement B-Listed building located on the north side of Bank Street in the City Centre. The B- Listed property is a classically-detailed commercial building and was formerly the offices of the solicitors Shiel and Small, and forms a stylistically similar continuous frontage with 7-25 Bank Street which is also B-Listed.
- 2.2 The rear elevation of the building faces The Howff which is A-Listed.
- 2.3 The building was converted two years ago to form ground floor and basement commercial office space with residential above. The commercial office space is currently vacant. The whole building is in the ownership of the applicant.



Figure 3 – Existing Front Elevation

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 7: High Quality Design

Policy 47: Environmental Protection

Policy 48: Listed Buildings

Policy 50: Development in Conservation Areas

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 Planning application 14/00159/FULL was approved with conditions in May 2014 for a change of use to the upper 3 floors from offices to 3 flats and 2 HMOs with alterations and the installation of roof lights. The accompanying listed building consent, reference 14/00300/LBC was permitted for the associated internal alterations and installation of roof lights in July 2014.

4.2 Listed building consent 16/00105/LBC was approved on 18 March 2016 for alterations associated with a change of use from Class 2 offices to form 1 residential flat and 3 HMOs within the upper three floors of a property.

4.3 Planning application 17/00087/FULL and an associated application for listed building consent 17/00086/LBC are pending consideration for a change of use from offices to a licensed restaurant on the east side of the ground floor and basement of the application property. The associated alterations include a single storey rear extension which is designed to suspend above ground within the A-listed Howff located to the rear of the application site.

5 PUBLIC PARTICIPATION

5.1 The application was the subject of neighbour notification and five letters of objection have been received which raise issues in relation to the impact on the listed building and conservation area.

5.2 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

6.1 **The Head of Community Safety and Protection** - has advised that a condition should be attached to any consent granted to restrict the cooking/reheating of foods within the café in order to prevent amenity issues for adjacent residential properties and occupiers. This is due to the proposed low level discharge point for ventilation from the café kitchen and the potential for odour issues.

- 6.2 **The Head of Community Safety and Protection** - also advise that there are no details of external plant shown on the plans. They advise that a standard noise condition should be attached to any consent granted to restrict noise levels from any potential mechanical and electrical services.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless 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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 7: High Quality Design** - this policy requires all development to contribute positively to the quality of the surrounding built and natural environment and to respect the character and amenity of the place. The policy adopts a design criteria approach which requires development proposals to consider and respect site topography and any supporting important landmarks, views or skylines; contribute to a sense of identity; complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours; existing buildings structures and natural features that contribute to the local townscape should be retained and sensitively integrated into the proposals.
- 7.3 The proposal for the change of use of vacant commercial offices on the ground floor to a cafe is an acceptable complementary Class 3 (Food and Drink) use given the sites City Centre location. The proposed new entrance door is sensitive in design to the listed building and has been created to provide a separate entrance to the cafe and avoid any potential conflict with the existing residential uses on the upper three storeys of the property.
- 7.4 **The proposal satisfies Policy 7.**
- 7.5 **Policy 47: Environmental Protection** - all new development proposals that would generate noise, vibration or light pollution are required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.
- 7.6 The Head of Community Safety and Protection has been consulted on the proposal and they advise that a condition should be attached to any consent granted to restrict the cooking/reheating of foods within the café in order to prevent amenity issues for adjacent residential properties. This is due to the proposed low level discharge point for ventilation from the café kitchen and the potential for odour issues.
- 7.7 The Head of Community Safety and Protection also advise that there are no details of external plant shown on the proposed plans for a cafe. They advise that a standard noise condition should be attached to any consent granted to restrict noise levels from any potential external mechanical and electrical services.
- 7.8 **With the imposition of a condition to restrict the cooking/reheating of foods within the proposed café and a standard noise condition to restrict levels from any external mechanical and electrical services the proposal complies with Policy 47.**

- 7.9 **Policy 48: Listed Buildings** - suitable alternative uses will be considered where necessary to secure the future of a listed building. Any adaptation of the fabric must be undertaken carefully and sensitively with minimum impact of the architectural and historic interest, character and setting. A detailed justification statement is required to be submitted to support an application proposing an alternative use.
- 7.10 Alterations to Listed Buildings will only be acceptable under this policy where the proposals have regard to the preservation or enhancement of a buildings architectural or historic character. Alterations are not acceptable where the works would diminish the architectural integrity of the building or its historic interest.
- 7.11 As outlined above the proposed use is an acceptable complementary Class 3 (Food and Drink) use given the sites City Centre location. The proposed development will bring a vacant ground floor unit back into use and further secure the future of a B-Listed building.
- 7.12 Internal changes proposed include the removal of partition walls to create an open plan style café. There are no existing internal features of architectural or historic interest which will be impacted by the proposal. Existing cornicing has been retained under new ceilings required through building regulations as part of the conversion of the upper levels of the building into residential flats. An original fireplace is to be retained.
- 7.13 Proposed alterations to the front elevation of the listed building to create a new entrance to the café are sympathetic in design. It is recommended that a condition is attached to any consent granted to request full details of the design, materials and finish and a method statement for the works to create a separate entrance to the cafe.
- 7.14 **The proposal satisfies Policy 48 through the imposition of a condition.**
- 7.15 **Policy 50: 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 that contribute to the character and appearance of the conservation area.
- 7.16 The proposal site lies within the Central Conservation Area. The proposal will bring a vacant ground floor unit back into use and further secure the future of a B-Listed building within the Central Conservation Area. The proposal will preserve the character and appearance of the conservation area.
- 7.17 **The proposal satisfies Policy 50.**
- 7.18 **It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.**

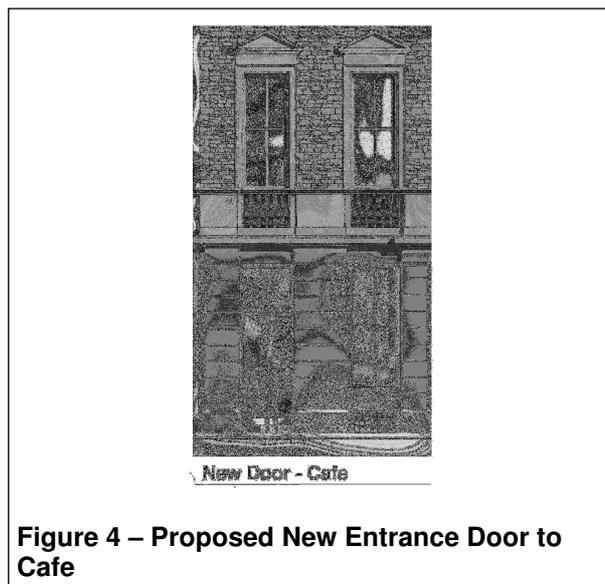


Figure 4 – Proposed New Entrance Door to Cafe

STATUTORY DUTY

- 7.19 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess when determining applications for planning permission. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.20 For the reasons set out above the proposed development complies with national planning guidance with regard to development affecting a Conservation Area or the setting of a listed building.
- 7.21 **The statutory duty set out in Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 would be discharged through the approval of planning permission.**

OTHER MATERIAL CONSIDERATIONS

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

A - VIEWS OF OBJECTORS

- 7.22 The application was the subject of neighbour notification and five letters of objection have been received which raise issues in relation to the impact on the listed building and conservation area.
- 7.23 Objections to the café proposal are specifically in relation to the detrimental impact on the character and setting of the conservation area and listed building. Many of the objection letters received for this proposal also raise concern with the adjacent proposal at 5 Bank Street for a restaurant with a rear extension into The Howff which are considered in the reports for these applications.
- 7.24 In respect of this proposal, as outlined above, the proposal will bring a vacant ground floor unit back into use and further secure the future of a B-Listed building within the Central Conservation Area. The proposal will preserve the character and appearance of the conservation area.
- 7.25 **The concerns of the objectors are not supported.**
- 7.26 **It is concluded from the foregoing that there are no material considerations which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is therefore recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to the following conditions:
- 1 Prior to the commencement of work on site, details of the method, design and materials for the proposed new doorway shall be submitted to the Council for written approval. Thereafter, the proposed works for the new doorway shall be completed in strict accordance with the details approved by this condition.
 - 2 The proposed café hereby approved shall be restricted to cooking/re-heating operations by panini machines, toasters, micro wave ovens and soup urns only. No other forms of cooking/re-heating shall take place without the prior written approval from the planning authority.
 - 3 The total noise from mechanical and electrical services for the development shall not give rise to a noise level in excess of that equivalent to Noise Rating Curve (NR) 35 during daytime hours when assessed within any residential property (with windows closed) adjoining the cafe premises hereby approved; and NR35 during night-time hours when measured 1 metre from the façade of any residential property or NR 25 during night-time hours when assessed within any residential property (with windows closed) adjoining the café premises hereby approved. For the avoidance of doubt, daytime hours shall be from 0700 to 2300hours, and night-time hours shall be from 2300 to 0700hours.
 - 4 The development hereby approved shall only apply to the proposed café on the ground floor of 5 Bank Street as defined by the red line on drawing number 2030_D_012 hereby approved.

REASONS

- 1 In the interests of safeguarding the character and appearance of the listed building.
- 2 In the interests of safeguarding amenity of residential properties and other occupiers from odour from the premises.
- 3 In order to safeguard the amenity of residential properties from excessive noise from the premises.
- 4 In order to clarify the terms of the permission.