

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from offices to bar/restaurant with elevational alterations

Address

31 South Tay Street
Dundee
DD1 1NP

Applicant

Andy Lothian
31 South Tay Street
Dundee DD1 1NP

Agent

Aim
Castle Chambers
26 Castle Street
Dundee DD1 3AF

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Case Officer R Anderson



New Bar/Restaurant proposed in Cultural Quarter

The change of use from offices to bar/restaurant with elevational alterations is **RECOMMENDED FOR APPROVAL** subject to Section 75 Agreement. Report by Director of Planning and Transportation

RECOMMENDATION

It is considered that the proposed use will be a benefit to the Conservation Area, listed building and Cultural Quarter. Although the policy is contrary to one Local plan policy there are good reasons for overriding it in this case and justifying a recommendation of approval.

SUMMARY OF REPORT

- Planning Permission is sought for a change of use of the above premises from a financial services office (class 2) to a public house (Sui Generis). The proposal involves minor alterations to the exterior of the building, whilst a public vennel linking Tay Street Lane and South Tay Street will be formed at basement and ground floor level through the property.
- One letter of objection was received primarily regarding potential noise pollution and the impact on residential amenity.
- The use proposed is in line with the majority of relevant local plan policies and is of the type the council is seeking to attract into the Cultural Quarter, which the premises sits in the heart of. Despite being contrary to one of the office policies, it is considered that the proposal is vibrant, visually attractive and will provide an exciting and valuable public thoroughfare to the benefit of the wider area. There are good reasons for setting aside any policy contradictions and accordingly approval is recommended.
- The consent should be granted subject to a section 75 agreement covering public access, hours of opening and maintenance of the vennel. This type of agreement is viewed as appropriate in order to secure the use of the vennel in perpetuity rather than merely for the duration of the proposed use.

DESCRIPTION OF PROPOSAL

It is proposed that the use of the above property be changed from a financial services office (Class 2) to a public house (Sui Generis). The change will require minimal external and significant internal alterations. The external alterations will include the addition of subtle lighting at ground floor, first floor and street level and a glass canopy over the main entrance door. Other essential maintenance on the stonework will take place such as repaired pediments and re-pointing.

Internally there is little of the old fabric of the building of any architectural interest remaining save cornicing in some of the rooms. The applicants have indicated that they will retain this where possible. The property has been the subject of previous refits and comprises mostly of false floors and ceilings with partition walls. There will be a bar area on three floors serving food also, with up to 150 seats provided. Kitchens and storage areas are located in the basement. These floors are linked by a central stairway to the rear of the property. The main entrance to the bar will be from South Tay Street at first floor level. The entrance will be onto a public vennel which will pass through the northern side of the building and link South Tay Street and the land to the east of the premises (and subsequently Tay Street Lane). The vennel will be on two levels and create a visual attraction for the building. It will be finished in a combination of Indian red wood panelling "Kirkstone" paving slabs, and stainless steel handrail. The main walls of the vennel will be finished in natural stone (the external finish of the neighbouring property) and the Kirkstone wall tiles. It will have a bright airy contemporary look with appropriate signwork. The entrance to the bar will be to the south of the vennel up three steps to distinguish between the two land uses. A set of concrete steps will also be installed into the vennel to account for the changes in floor levels. Two main doors are to be installed at each end of the vennel. The existing door onto South Tay Street is to be replaced with a single core timber door, whilst a smaller similar door is to be slapped

into the rear of the building at basement level.

SITE DESCRIPTION

The site is located on the east side of South Tay Street, approximately 110m north west of its junction with Nethergate. The property forms part of a terrace of four storey properties, which is category B listed and located in the University Conservation Area. It is finished in natural stone walls and a slate roof, with one over one, sash and case windows. These windows, on the west elevation, have ornate architraves and pediments whilst the main entrance doorway to the north of this frontage has two stone pilasters containing carved figures and a heavy triangular pediment. The rear of the building is not as formal and contains a variety of windows inconsistently sited.



To the east of the property is a car hire business, printing works and some flatted properties, whilst to the north, south and west is a mix of commercial and residential uses. The main Rep Theatre is further to the SouthWest whilst the DCA is located further south on Nethergate. The property is located at the heart of the council's emerging "Cultural Quarter."

POLICY BACKGROUND

Policy EU20 of the Dundee Local Plan indicates that within the identified office sector there is a presumption in

favour of uses, which complement the overall office use of the area e.g. restaurants, bars, retailing.

Policy EU23 of the plan indicates that within the office sector there is a presumption against the change of use of either a current or former office building to other uses, except, where it can be demonstrated that the building is unsuitable for refurbishment as an office; where the premises have architectural and historic merit and all efforts have been made to secure office use or where the premises have been marketed for a period of time without attracting interest as an office.

Policy LT8 indicates that within the city centre, (as defined in the plan), there are no controls on the distances between residential premises and proposed licensed premises, as opposed to other areas of the city where certain distances do apply.

Policy BE2 supports development, which seeks the creation of new public spaces, points of architectural interest and features reflecting historic street layouts.

Policy BE3 encourages the use of appropriate and imaginative materials, which are in harmony with the character of an area, especially within conservation areas.

Policy BE11 indicates that all development in Conservation areas should complement and enhance the character of the surrounding area.

BE17 indicates that any alterations to listed buildings should have regard to the restoration and enhancement of their architectural and historic character.

Policy MV9 encourages the improvement of pedestrian facilities within developments, particularly in principal areas of the city used by pedestrians.

The "Dundee Cultural Quarter, Development and Investment Strategy" prepared on behalf of the Dundee Partnership developed a broad framework to establish a cultural quarter. As part of Report Number 329/2001 the council approved the concept of a "Cultural Quarter" in the west end of the city centre focussed on South Tay Street and key developments such as the Repertoire Theatre and Dundee Contemporary Arts Centre. Within this area, uses that

enhance the vibrancy and atmosphere of the area such as venues, bars, cafes, specialist shops etc will be encouraged. Pedestrian movement within these areas is also seen as a priority, with the property in question viewed as a key location given it's relationship with adjoining properties.

LOCAL AGENDA 21

Key Theme 7 requires access to facilities, services and goods to be achieved not at the expense of the environment.

Key Theme 13 requires places, spaces and objects combine meaning and beauty with utility.

SITE HISTORY

90/00624/DLB & 90/15646/D - Elevational Alterations - Approved - 17.10.1990

96/22429/D & 97/01379/DLB - Refitting of original stained glass panel - Approved - 05.03.1997

PUBLIC PARTICIPATION

One letter of objection has been received regarding the application from a Housing Association who own and manage adjacent properties. The main issues arising relate to potential noise disturbance generated by both the public and forms of entertainment. These issues will be discussed in the Observations section of this report.

CONSULTATIONS

No adverse comments were received from consultees. Tayside Police, whilst happy with the proposed vennel indicated that from a security point of view it should only be open during pub opening times.

OBSERVATIONS

The main issues to consider as part of the application are whether the proposal conforms to local plan and other council policy and if so whether there are other material considerations which would warrant a refusal of the application.

In terms of the use of the property as licensed premises, the restrictive aspect of policy LT8 would not apply as the site is located within the City Centre as defined in the local plan. It is

therefore considered that the proposal conforms to this policy.

The use of the property as an alternative to an office is also affected by the Cultural Quarter policy. The emergence of the Cultural Quarter is a later concept than the local plan policy. At the time the plan policy was written this area of the city had many office uses and was very much viewed as a good working environment for office uses because of the range of complimentary uses and the quality of many of the buildings. Policy EU20 and EU23 were worded accordingly and sought to maintain as many offices as possible. There is now a wider focus, which although still maintaining a strong office presence in the area, attempts to attract other vibrant uses such as the one proposed. Policy EU20 indicates that although there is a presumption in favour of retaining office uses there is also scope for attracting other uses such as bars. In this respect the proposal is supported under this policy. With regard to Policy EU23 it is designed to ensure that where properties change to uses other than offices satisfactory justification is given to demonstrate their unsuitability for office use. Again as the premises are integral to the success of the Cultural Quarter and the type of use proposed conforms with those being sought for this area, a more flexible interpretation of the policy is required. Although the policy requires evidence to show the building is unsuitable for office use and has been marketed for some time for office uses, this has not been provided. However given the new policy stance on uses in this area outlined above, in this case there are material considerations which justify a departure from policy.

With regard to policy BE2 it is considered that the proposed use is one of quality which will respect and enhance the building and the area in general. There are minimal changes proposed to the building, apart from the inclusion of a public vennel, which will link (ultimately) West Marketgait and Tay Street Lane to South Tay Street. Such points of interest and public spaces are a valuable addition, supported under this policy. The vennel will be a bright contemporary internal space finished in natural stone walls and floors. It will have contemporary signwork, lighting and include a striking separate entrance to

the bar. The types of entrance doors for the vennel will provide robust, striking features, although full details have not yet been provided. The existing doors, which have a dual opening function, are to be replaced by a single solid timber door, which will open in one direction. This will be of benefit to the bar entrance, which at present would be affected by one of the existing doors. In general the materials being employed throughout the proposal are of a relatively high standard. External repairs are to be undertaken using lime mortar and lime based cements. The second floor windows are to be replaced on the front elevation with double glazed one over one sash and case windows, with the existing surrounds repainted on a like for like basis. The spotlights that are to be attached to the building to give a subtle "washing" of the front elevation are finished in aluminium again giving a quality contemporary look, as is the glass canopy proposed above the main entrance door. These features are acceptable to this department and conform to policy BE3 of the local plan.

It is considered that the proposal enhances the character and appearance of the conservation area as well as restoring and enhancing the architectural features and character of the listed building. In this respect the proposal conforms to policies BE11 and 17 of the local plan.

As the proposal involves the provision of a significant public thoroughfare in an area of the city where pedestrian movement is to be encouraged it conforms to policy MV9 which seeks to improve facilities for pedestrians.

In summary, it is considered that the proposal generally conforms to local plan policy, but is contrary to EU23. However it is considered on balance that as the proposal is in conformity with the majority of relevant policies and given the council's emerging policy for the Cultural Quarter there are material considerations which justify setting aside the requirements of policy EU23 in this case.

As already outlined above the council strategy for the Cultural Quarter is to promote high quality venues and vibrant uses in this area. The use proposed and the appearance of the building with its contemporary fresh appearance is exactly the type of

development the council had in mind when formulating the overall concept. It is considered use proposed and its contribution to the vibrancy of the area, conform to council approved policy.

With regard to the point raised by the objector about potential noise pollution affecting neighbouring residential amenity, although it is accepted that the area is not a predominantly residential area and therefore more flexibility can be given to potentially noisier uses, amenity considerations are still important. However the applicants have indicated that mechanical ducting used to ventilate the premises are largely internal and will not give rise to excessive noise. Environmental and Consumer Protection Department are satisfied with this. With regard to any music played on the premises again the applicants have indicated that this will be minimal and background music only. It is considered that this issue can be covered by a condition. Given the general nature of uses in this area and the addition of appropriate conditions, neighbouring residential amenity can be protected to a satisfactory degree.

It is also considered that the use of a section 75 agreement is appropriate as part of this consent. It is necessary to use a legal mechanism as opposed to a planning condition in order to link the use of the vennel to the premises in perpetuity, as opposed to merely the duration of this consent. The agreement, which requires to be concluded by all relevant parties before any planning consent is issued, will cover opening hours, maintenance and repairs and public right of passage through the vennel. The applicants have agreed to this course of action.

Design

The proposal represents a sympathetic treatment of both the interior and exterior of this listed building. The new additions such as the lighting, signwork and vennel all serve to promote a high quality appearance, whilst the materials employed are all of a high standard which complement the existing building and provide a new contemporary look to the benefit of the conservation area and the Cultural Quarter. It is considered that in general terms the proposal represents a high standard of design.

CONCLUSION

To summarise, the proposed use conforms to the majority of relevant local plan and council approved policies, in as much as it is a vibrant contemporary venue, which promotes the image sought for the cultural Quarter. The use is sympathetic to the architecture and character of the conservation area and listed building and will provide a valuable public resource improving accessibility.

Although it is contrary to policy EU23 of the local plan there are good reasons for setting aside this policy. There are no other material considerations, which would justify setting aside policy in this case. Accordingly the application is recommended for approval subject to conditions.

RECOMMENDATION

Recommendation 1

It is recommended that planning permission be GRANTED subject to a legal agreement covering the following matters:-

- 1 Public right of passage through the vennel
- 2 Opening hours of the vennel
- 3 Maintenance and repairs

Recommendation 2

It is recommended that planning permission be GRANTED subject to the following conditions:-

- 1 the development hereby permitted shall be commenced within five years from the date of this permission
- 2 Total noise from the extraction/ventilation system shall not exceed NR 35 as measured 1m from the facade of the nearest residential accommodation.
- 3 All amplified music and /or vocals shall be controlled as to be inaudible within the nearest residential accommodation.
- 4 That prior to the commencement of development full details of the main doors at each end of the vennel be submitted to and agreed in writing to the

satisfaction of the planning authority.

- 5 That the proposed vennel be formed in full, as indicated on the approved plans, within 6 months of the opening of the bar. The opening date of the bar to be confirmed in writing to the planning authority within 2 weeks of opening.
- 6 That full details of the proposed external lighting on the western elevation of the building be submitted to and approved by the planning authority prior to the commencement of development.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In the interests of neighbouring residential amenity.
- 3 In the interests of neighbouring residential amenity
- 4 In order to verify the acceptability of these important architectural features
- 5 To ensure that the vennel is implemented timeously in the interests of the building and wider area in general.
- 6 In the interests of the appearance of the building