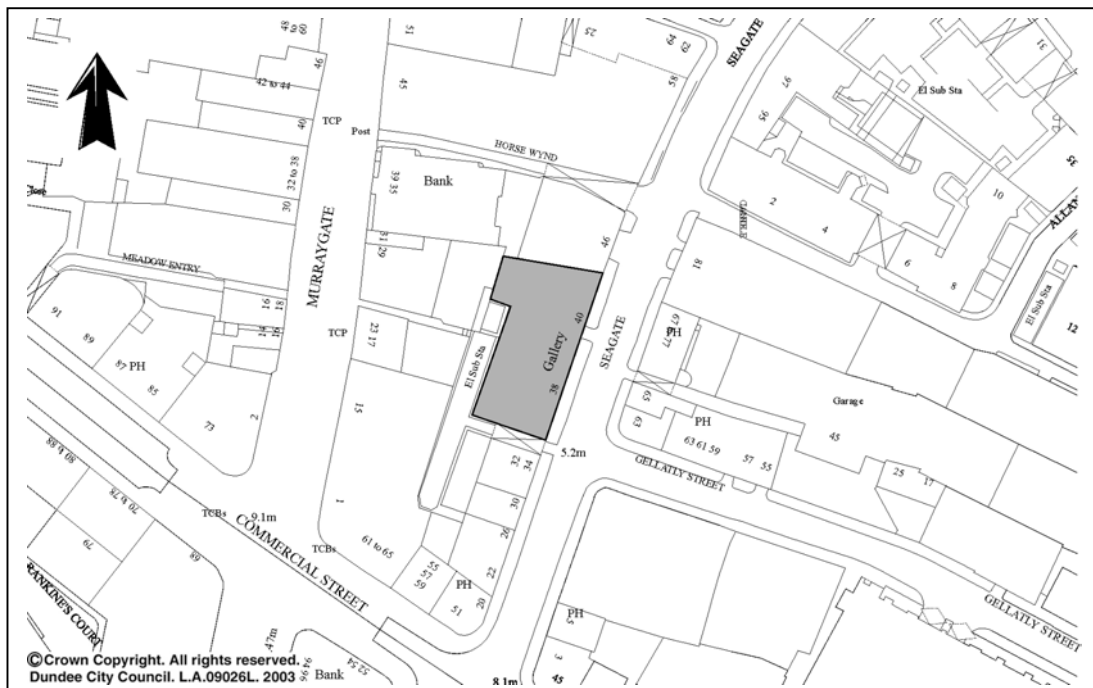


KEY INFORMATION**Ward** East Port**Proposal**

Change of use to public house, snooker & pool members club

AddressFormer Robertson Bond
38-40 Seagate
Dundee
DD1 3EJ**Applicant**Georgica Plc
8 Clarendon Drive
Milton Keynes
MK8 8ED**Agent**Bignall Shackley Ewing
95 Spencer Street
Birmingham
B18 6DA**Registered** 4 July 2003**Case Officer** Julie Finlay

Change of use to a public house, snooker & pool members club is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is contrary to one policy in the Dundee Local Plan 1998 but is in accordance with all the relevant policies in the Finalised Local Plan Review. There are material considerations that justify approval of the application. The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for change of use of the first and second floors to public house, snooker and pool members club at the former Robertson's Bond, 38-40 Seagate.
- Policy LT8 (as revised) of the Dundee Local Plan 1998 states that licensed premises are not acceptable within 45 metres of houses.
- One letter of objection was received from the owners of property on the opposite side of Seagate (to the north east) and their main concern is potential noise nuisance from the proposed use of this section of the building.
- It is considered that the establishment of a snooker and pool members club and public house on the site is acceptable contrary to the Local Plan for a number of reasons. These include the fact that there are more relaxed controls on distance from residential property in the city centre and Seagate is a busy street with many similar "bad neighbour" uses.
- There is a partner listed building application which has not yet been determined.
- The proposed use is satisfactory, will not prejudice the use of the upper floors or ground floor as a restaurant and should assist in the regeneration of this vacant building. The application is recommended for approval subject to conditions.

DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use of the first and second floors from vacant property to snooker and pool members' club with associated public house. The floor area of the first floor is approximately 850 square metres and the floor area of the second floor is approximately 720 square metres. The ground floor will only be used for entrance and exit purposes and for fire escape access at the front and rear of the building. The first floor will accommodate an area with pool tables at the south end of the building and a public bar area at the north end with toilet facilities, cellar, office and kitchen. The second floor will accommodate a series of snooker tables at the front end, a small area with pool tables at the back end of this level and a small staff room. A new entrance will be formed where there are existing loading bay doors at the north end of the front elevation. Four projecting signs will be located at first floor level. The proposal includes some elevational alterations and this is included as a separate listed building application.

SITE DESCRIPTION

The site comprises the first and second floors of the former Robertsons Bond which is a four storey building with attic and was erected in 1897. The building is a category B listed building. The Seagate facade is finished in red ashlar and is almost symmetrical design with 2 entrance bays framed with turrets canted out from the first floor level. There is a pend on the southern side on the building leading to a laneway serving the rear of premises on Seagate and Murraygate. The rear of the building is finished in rubble built stone and contains projecting 2 storey flat roofed and 4 storey pitched roof elements.

The ground floor of the building was last used as an art gallery and printmakers workshop and the upper floors have been vacant for many years. The adjoining property to the south is a 4 storey block with ground floor commercial uses and upper floor flats. The adjoining property to the north is the modern 3 storey Marks

and Spencer building. To the west of the site, on the opposite side of the lane, is the rear elevation of Murraygate premises including the Bank of Scotland and Dixons.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Environmental Resources Policy 5A:

Historic Environment

The historic environment of Dundee and Angus is a valuable, non renewable resource which must be protected, conserved and enhanced. Local Plans shall identify these assets and include policies which:

- protect the site and setting of listed buildings and scheduled ancient monuments;
- protect other archaeological sites and sensitive areas. Where this is not feasible, proper recording and analysis shall take place;
- protect and enhance conservation areas and historic gardens and designed landscapes.

Environmental Resources Policy 6: Design and Urban Renewal

Development proposals that assist urban renewal, community regeneration and the appropriate re-use of vacant and derelict land and buildings across the Dundee and Angus area will be generally supported.

Dundee Local Plan 1998

The following policies are of relevance:

LT8: Licensed and Hot Food Premises

The Policy states that licensed premises are not acceptable within 45 metres of houses. As there are flats directly adjoining the site this policy is contravened. In June 1998 the Planning and Transportation Committee reviewed this policy to the effect that within the city centre no controls on distance from residential property will apply.

Policy BE15 states that suitable alternative uses will be encouraged for buildings considered to be of architectural merit or townscape value where this is necessary in order to secure the future of the building.

H7: The provision of more housing will be promoted. The Council will provide improvement grant assistance for existing residential property in this area and the Council will encourage Scottish Homes through its strategic agreement to target investment in this area.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The site is allocated as a potential brownfield housing site in the revised Plan.

The following policies are of relevance:

Policy 52: Restraint on Licensed Premises in the City Centre

Within the City Centre care will be taken to avoid an excessive concentration of public houses and nightclubs, particularly those in close proximity to residential areas. As such, there will be a presumption against the establishment of licensed premises (excluding restaurants) in the City Centre:

- a with a total floor area in excess of 300 square metres; or
- b any more than one in five units in a single frontage where the combined floor area is in excess of 300 square metres.

Policy 59: Alternative Uses for Listed Buildings

Suitable alternative uses will be considered for listed buildings where this is necessary to secure their future. Any adaptation of the fabric must be undertaken carefully and sensitively and have minimum impact on the architectural and historic interest, character and setting of the building.

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.

LOCAL AGENDA 21

The Council's Agenda 21 policies seek to value and protect local diversity and distinctiveness.

SITE HISTORY

In 1983 planning permission was granted to change the use of the premises to a licensed restaurant and disco but this consent was never implemented (application ref no D9164 refers).

Planning permission to change the ground floor of the premises to an art gallery and artists studios was granted in 1984 - application ref no D10359 refers. This use was implemented and remained in place until 1999.

In 1997 planning permission and listed building consent were granted to convert the upper floors of the premises to 28 flats (applications ref nos D22225 and DLB01336 refer). These consents were not implemented.

Planning permission was granted with conditions on 27th August 2001 for change of use and alteration works to

ground floor of existing building to form licensed restaurant and the partner listed building application was approved on 7th September 2001. These permissions have not yet been implemented.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised both as a bad neighbour development and as contravening Policy LT8 of the Local Plan. One letter of objection was received from owners of flats to the north west of the application site and their concerns relate to the potential noise disturbance associated with the proposed use.

CONSULTATIONS

Should the application be recommended for approval, the Head of Environmental Health and Trading Standards requires a condition to control noise impact from all mechanical and electrical plant as measured external to any residential property.

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 application was advertised as contrary to Policy LT8 of the Dundee Local Plan 1998 as there are adjacent flats. However this Policy has been revised in the Finalised Dundee Local Plan Review to allow some relaxation on the distance criteria in the City Centre.

Although the site is allocated for housing in the adopted and revised Plans, other uses complement those existing uses along Seagate.

Policy BE17 supports alternative uses for listed buildings in order to secure their future. The building has lain vacant for a number of years and has fallen into a state of dereliction. The proposed use will assist in regenerating the building and this area of Seagate. The elevational alterations to the listed building have been the subject of discussion and with a few suggested amendments they are now considered acceptable. These matters will be dealt with in the determination of the listed building application.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

Finalised Dundee Local Plan Review

Policy 52 presumes against a concentration of public houses over 300 square metres in the City Centre, particularly those in close proximity to residential areas. In these circumstances the public house aspect is ancillary to the main snooker and pool members' club and will only cover under 300 square metres. There are associated toilet facilities, cellar, kitchen and office but these will also be used for the running of the members' club.

Policies 59 and 60 reiterate those in the adopted Local Plan and the use is considered acceptable as it will reuse and restore a listed building and regenerate the surrounding area.

Objection

An objection was raised from owners of flats on the opposite side and to the north east of the application site. Their main concerns relate to potential noise disturbance from the proposed use of the premises. The snooker and pool facilities will be for private members only. The Head of Environmental Health and Trading Standards Department has requested the imposition of a condition to restrict noise from all mechanical and electrical plant to protect the amenity of nearby residents, should the application be recommended for approval.

There are concerns that the upper floors of the property will fall into a state of dereliction and that access will not be maintained to these levels. The applicant has submitted a letter indicating that the upper floors will be accessed via a new staircase from ground level. This staircase will also be a means of escape from first and second floors. The staircase will exit to street level via a new entrance, to be formed to the right hand side of the property.

The applicant was asked for details about deliveries to the premises. They indicate that delivery vehicles will park in the existing service passage. The stock will be unloaded and carried to the entrance doorway, where a new goods lift is sited to carry stock to the first floor. Deliveries are restricted to four per week maximum and normal delivery hours are between 10am and 12noon and 2 to 4pm. As they are a members club they do not turn over the amount of stock normally associated with other pub/bar operators.

It is concluded from the foregoing that sufficient weight can be accorded to material considerations to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The change of use is considered acceptable at this location. Details of elevational alterations will be included within a partner listed building application which has not yet been determined.

CONCLUSION

The application was advertised as contrary to Policy LT8, however there are material considerations that justify approval of the proposal in these circumstances. The proposal complies with all the relevant policies in the Finalised Dundee Local Plan Review. An objection was raised about potential noise disturbance, however a condition will be attached to ensure that any noise disturbance is minimal for nearby residents. It is considered necessary to ensure that access to the upper floors remains and a condition will be attached. The application is

recommended for approval with conditions.

RECOMMENDATION

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 Noise from all mechanical and electrical plant shall not exceed NR35 as measured 1m external to any residential property
- 3 Access to the third and fourth floors will be retained as in accordance with details in a letter from the applicant dated 4th September 2003, unless otherwise agreed in writing by the Council
- 4 Goods deliveries to the premises shall only take place as in accordance with details in a letter from the applicant dated 4th September 2003, unless otherwise agreed in writing by the Council
- 5 The development shall not commence until details of the internal access including stairway and lift shaft to the third and fourth floors and entrance door(s) onto Seagate have been submitted to and approved in writing by the planning authority

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 to protect the amenities of the occupants/owners of nearby adjacent properties from potential noise disturbance from mechanical and electrical plant equipment
- 3 To ensure that future use of the upper floors is not jeopardised by this development
- 4 To ensure that future use of the upper floors is not jeopardised by this development
- 5 In order to ensure that the whole building is renovated and made available for use in the interests of the restoration of the listed

building which forms an important feature in this area of the City Centre