

KEY INFORMATION

Ward Law

Proposal

Extension to restaurant

Address

Restaurant
1 Session Street
Dundee
DD1 5DN

Applicant

Mr Munwar Ali Mohammed
Jahangir Restaurant
1 Session Street
Dundee DD1 1DN

Agent

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Beaton Partnership
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Dundee
DD1 1LP

Registered 21 July 2004

Case Officer J Robertson



Proposal to Extend Restaurant in Session Street

The Extension to a restaurant is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered not to contravene the policies of the development plan.

The material considerations weight in favour of the proposed development with the sole exception of the letter of objection, which raises issues which are not considered individually or together to carry sufficient weight to warrant refusal of the application.

The application is recommended for **APPROVAL** subject to conditions

SUMMARY OF REPORT

- Planning permission is sought for an extension on the south elevation of the restaurant at 1 Session Street, Dundee.
- The proposed development raises issues for consideration in terms of Leisure and Tourism Policy LT8 and Built Environment Policies BE1 and BE11 of the Dundee Local Plan 1998 and Policy 17 and Policy 61 of the Finalised Dundee Local Plan Review.
- One letter of objection was received from a resident to the east of the application site raising concerns with regards to overlooking, noise and smell.
- The proposed development is considered not to contravene the policies of the development plan. It is considered that the concern raised by the objector is of insufficient weight to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for a single storey extension to a restaurant at 1 Session Street, Dundee. The extension is proposed on the front elevation of the property providing additional seating within the restaurant. The extension will be finished in render, facing brick base course and will have a pitched double glazed roof light on the flat roof. It is proposed the existing external walls on the west and south elevation will be rendered to match the proposed extension.

SITE DESCRIPTION

The application site is located on the east side of Session Street, with Hawkhill to the south and Brown Street to the east. The application property is a single storey building finished in render with a slate roof. The property is within the Blackness Conservation Area and within the Cultural Quarter as identified within the Finalised Dundee Local Plan Review. The surrounding area is mixed use including industrial, residential, office and leisure use.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 1998

The following policies are of relevance:

Policy LT8 Licensed and Hot Food Premises: No premises selling hot food is acceptable within 45 metres of existing housing if floor space exceeds 150 square metres.

Policy BE1 Design Quality: Expects the highest quality of composition and design in all new developments and its careful integration with its surroundings.

Policy BE11 Development in Conservation Areas: All development proposals will be expected to complement and enhance the character of the surrounding area.

Dundee Urban Nature Conservation Subject Local Plan 1995

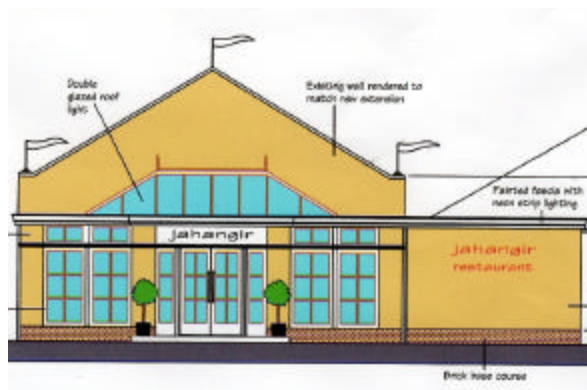
There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 17 Cultural Quarter - encourage development, which will assist the further development of its role as a focus for cultural and related leisure and business activities. Proposals will be viewed in terms of their contribution to mix and diversity.

Policy 61 Development in Conservation Areas - expected to preserve or enhance the character of the surrounding area.



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

Key Theme 13 is relevant to this application and seeks to ensure places, spaces and objects combine meaning and beauty with utility.

It is considered that the proposed development seeks to achieve the aims of this key theme.

SITE HISTORY

86/12140/D - Change of Use from office and showroom to licensed restaurant, 1 Session Street - Approved with Conditions - 23/02/1987

96/22416/D - Extension to existing restaurant to form ancillary takeaway comprising kitchen, entrance, toilet and store, 1 Session Street - Approved with Conditions - 04/04/1997

04/00577/ADV - Erection of illuminated signage, 1 Session Street - Pending Decision

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a resident to the east of the application site, raising concerns with regards to overlooking, noise and smell. The application was advertised in the "Dundee Courier and Advertiser" on 10 August 2004 as a potential departure from the development plan.

Copies of the objection letter are available in the Members Lounges and the issues raised will be considered in the 'Observations' section of this report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards indicated that he had no comments on the application given that the kitchen remains in the same position with no proposed expansion. The extension to provide additional seating within the restaurant was not considered to increase noise.

No adverse comments were received from any of the other statutory consultees.

OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- whether the proposals are consistent with the provisions of the development plan; and if not
- whether an exception to the provisions of the development

plan is justified by other material considerations

Also in accordance with the provisions of Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, the Council is required to have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is for a single storey extension to a restaurant at 1 Session Street Dundee. One letter of objection was received raising issues with regards to overlooking, noise and smell.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above

Leisure and Tourism Policy LT8 specifies that licensed and hot food premises are not acceptable within 45 metres of a residential property where the floor area exceeds 150 square metres. The present use of the existing building is a restaurant, with an ancillary hot food takeaway, which is already within 45 metres of the residential area to the east. The extension is proposed on the south elevation of the existing building and will therefore not extend beyond the existing eastern building line. Given that the proposed extension is an addition to an existing use it is considered that it will not have a significant detrimental impact on the adjacent residential properties. It is considered that in this instance the provisions of Policy LT8 are not directly relevant to the proposed development in this instance.

Built Environment Policy BE1, Design quality - expects the highest standards of composition and design in all new development and its careful integration with its surroundings as regards scale, form and alignment, materials and landscaping. The proposed single storey extension will be finished in render and facing brick base course with a glazed roof light. It is proposed that the south and west elevations of the existing building are rendered to match the proposed extension. The scale, form, siting and alignment of the extension are considered to

complement the existing building. It is considered that there will be no significant detrimental effect on the design quality of the existing building and the surrounding area. It is considered that the proposed development is in accordance with Policy BE1.

Built Environment Policy BE11, Development in conservation areas will be expected to complement and enhance the character of the surrounding area. The proposed extension will be finished in render that will match the existing building, it is proposed that the overall building will be rendered and painted to provide a attractive finish. It is considered that the conservatory entrance feature will complement the character of the overall building. It is considered given the size, location and finishing materials of the proposed extension that it would not have a detrimental visual impact on the building or the surrounding area. It is therefore considered that the proposal is in accordance with Policy BE11.

It is concluded from the foregoing that the proposal does not contravene with the policies 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 17, Cultural Quarter encourages development, which will assist the further development of its role as a focus for cultural and related leisure and business activities. The proposed development seeks to improve an existing use in terms of capacity and visual appearance. The proposed development will encourage the retention of the existing use and will help to encourage other uses into the Cultural Quarter therefore adding to the mix and diversity of the area. It is considered that the proposal is in accordance with Policy 17.

Policy 61, Development in Conservation Areas is expected to preserve or enhance the character of the surrounding area. With regards to the reasons given for Policy BE11 of the Dundee Local Plan 1998 it is considered that the proposal is in accordance with Policy 61.

Objections

One letter of objection was received from a resident to the east of the application site raising concerns with regards to overlooking, noise level and smell.

With regards to the overlooking the proposed extension has a roof light feature however given its location on the extension and that it is approximately 18 metres from the objector's property and that there are no windows on the east elevation it is considered that there will no overlooking in this instance.

In terms of noise and smell the proposal does not include any change in size or location of the kitchen in proximity to the objectors property. The extension provides a seating and entrance area, which would not encourage any increase in noise and smell that would affect the adjacent properties. Given that the Head of Environmental Health and Trading Standards has no comments regarding this matter it is considered that there will be no significant detrimental impact in terms of noise and smell.

Other Considerations

In terms of parking associated with the proposal it is considered that the proposed extension would not have an impact on the existing parking provision within the site. Given that there is public parking in close proximity to the site it is considered that there would be sufficient provision for the increased number of patronage to the restaurant.

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

The proposed development is a single storey extension finished in render and facing brick base course, with a glass roof light and conservatory windows on the west and south elevations. The design of the extension is considered to be of a good quality and is finished in materials that complement the existing building. It is considered that the design of the extension is in keeping with the character of the existing

building and will not have detrimental visual impact on the surrounding area.

CONCLUSION

The proposed development is considered not to contravene the policies of the Dundee Local Plan 1998. It is considered that the material considerations of the Finalised Dundee Local Plan Review provide sufficient weight in support of the application. The concern raised by the objector is of insufficient weight to warrant refusal of the application contrary to the provisions of the development plan.

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 Samples of the finishing materials to be used shall be submitted to the Council for approval and if approved the development shall be carried out only in accordance with such approved samples.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.