

KEY INFORMATION

Ward East Port

Proposal

Change of use from former Boys Brigade Club to dance studio

Address

69 Victoria Street
Dundee
DD4 6EA

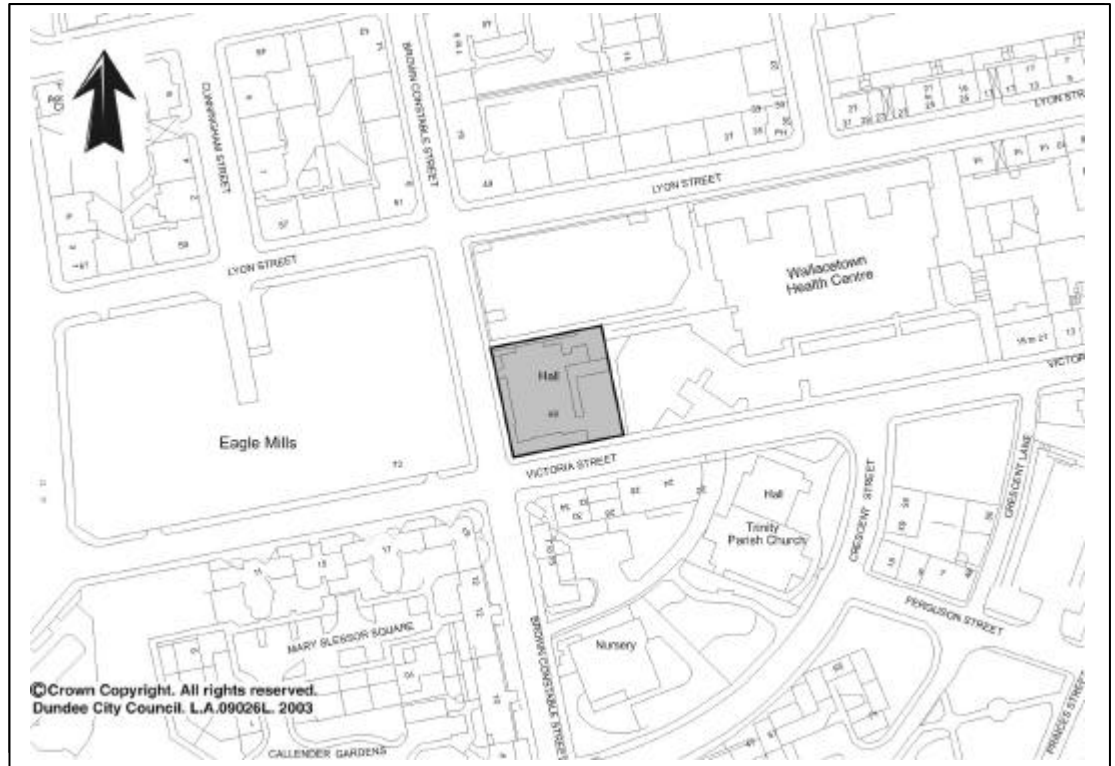
Applicant

Morag Brannan
10 Knapdale Place
Dundee
DD4 0SL

Agent

Registered 7 March 2006

Case Officer S Johnson



Dance Studio Proposed for Former Club

The change of use from former Boy's Brigade Club to dance studio is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use complies with Policies 1 and 59 of the Dundee Local Plan Review 2005. It is considered that the objection submitted does not carry sufficient weight to justify refusal of the application. Therefore the application is recommended for **APPROVAL subject to conditions**.

SUMMARY OF REPORT

- Planning permission is sought for the change of use from a former Boys Brigade Club to a dance studio with ancillary community activities at 69 Victoria Street, Dundee.
- One letter of objection was received from a neighbouring resident on the grounds of no parking facilities, noise and the proximity of a similar facility.
- Policies 1 and 59 of the Dundee Local Plan Review 2005 are relevant to the determination of this application as they seek to protect the amenity of neighbouring residents and the amenity of the area and provide suitable alternative uses for listed buildings.
- It is considered that the proposal complies with Policies 1 and 59 of the Dundee Local Plan Review 2005. It is considered that the views of the objector are not supported. There are no material considerations that would justify the refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use from a former Boys Brigade Club to a dance studio with other ancillary community activities at 69 Victoria Street, Dundee. The applicant submitted a supporting statement which clarified the types of other activities proposed to be provided. These include the following: keep fit, gymnastics, out of school activities, jumble sales, coffee mornings and prize bingo. Also it is planned to hire the large hall to community groups and individuals. In this supporting statement, the applicant has stated that hot food will be provided to the public. However, the applicant has clarified on 4 April 2006, that the hot food will be sandwiches, filled rolls, teas and coffees only. These will only be available to participants of the various activities rather than members of the general public.

SITE DESCRIPTION

The application site is the former Victoria Street Church. This is a grade B listed building which is rectangular in plan with a former bell tower. The interior of the building has been completely reconstructed. The Wallacetown Medical Centre is located to the north east of the site. There are residential properties to the north and south of the site. There is no dedicated parking attached to the site. There is restricted parking around the site. The car park attached to the Wallacetown Medical Centre is for visitors to the medical centre only.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and

traffic movement, and noise and smell issues.

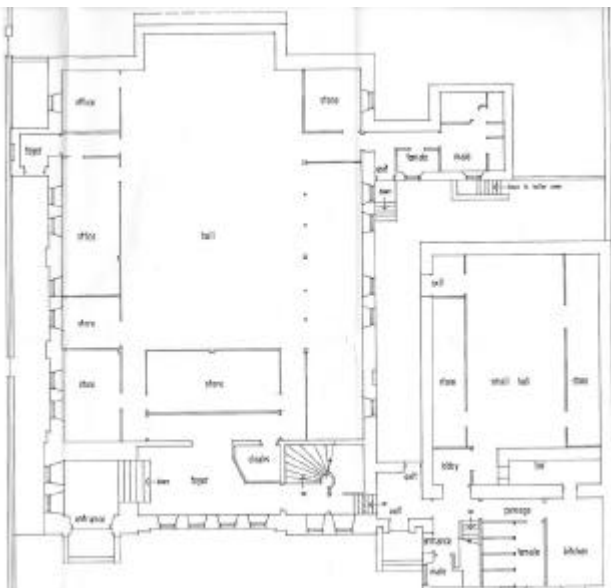
Policy 59 Alternative Uses for Listed Buildings. This policy allows for suitable alternative uses to be considered for listed buildings where this is necessary to secure their future.

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 12 is relevant to the determination of the application and states that opportunities for culture, leisure, and recreation are readily available to all. This proposed development is in line with these considerations. In addition, as the proposal is using a listed building in the central area which is well served by public transport this is in line with our sustainability policies.

SITE HISTORY

A change of use application (Application reference 00/24871/D) from halls to a licensed social club was refused in 2002. The erection of telecommunication antennae

(Application reference 02/00215/LBC) with ancillary equipment was approved in 2002. Also the erection of a 0.2m microwave dish (Application reference 02/00514/LBC) concealed behind a glass reinforced screen was approved in 2002. An enforcement notice was served in 2003 regarding painted railings. (Application reference 03/00153/Listed) and in 2004 there was an enforcement case regarding the church hall being used for auctions.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and one letter of objection was received from a neighbour. The valid grounds of objection are:

- there are no parking facilities;
- there will be noise from the various classes; and
- the proximity of a similar facility at Raglan Street.

Copies of the objection is available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has indicated concerns regarding potential noise disturbance. Consequently, it is felt that temporary consent should be granted for one year so the situation can be monitored should Members be minded to grant planning permission.

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

The Development Plan

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

One of the main issues for consideration is the proximity of residential properties and potential noise disturbance. Policy 1 seeks to minimise any affect on the environmental quality enjoyed by residents in terms of noise. The applicant anticipates the hours of operation to be Monday - Friday 9.00am to 10.00pm and Saturday - Sunday 10.00am to 3.00pm. Occasionally, private social functions may be held where the hours of operation will be controlled by licensing requirements. It is felt that as the premises have previously operated as a Boys Brigade Club this would have had a similar type of disturbance as this current proposal. Consequently, it is felt that if a temporary consent was granted for one year this would provide sufficient time to monitor any noise impact on the surrounding properties.

Parking is also regarded as an issue. The site is located on a corner site beside a junction on Victoria Street. Victoria Street is a main east/west route in the northeast of the City. There is no parking provided on site. However, it is felt that this proposal will operate in a similar manner to the previous authorised use which could recommence without consent. This parking issue very much depends on how this proposal will operate. Therefore, it is suggested that temporary consent is granted for one year to allow this situation to be monitored.

It is felt that if temporary consent is granted then the above concerns regarding this proposal can be closely monitored. Consequently, the proposal does not currently contravene Policy 1 of the Dundee Local Plan Review 2005.

The objector has stated that there is a similar facility at Raglan Street. The club at Raglan Street was previously a former social club. It is a long established club which does not operate in the same manner as this proposed dance studio. In addition, there is a reasonable distance between these two facilities. It is considered that the presence of a club at Raglan Street is not a material consideration.

As stated previously this is a category 'B' listed building. The future survival of historic buildings depends on viable uses, effective maintenance and repair, and minimising the impact of

adaptation and modernisation on historic fabric. Generally new uses giving rise to the least impact on the historic fabric will be encouraged. It is felt that this proposal is appropriate to secure the future of this building and to prevent it falling into a state of disrepair. There have been no other recent proposals which would be appropriate for this building. Consequently, it is felt that this application complies with Policy 59 Alternative Uses for Listed Buildings.

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:

One letter of objection was received in respect of this application. The concerns of the objector are noise and the absence of off-street parking. These issues have already been assessed in the context of Policies 1 and 59 of the Dundee Local Plan Review 2005 and it has been concluded that the proposal does not contravene the development plan in all these respects.

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 temporary planning permission be granted for one year with conditions relating to the hours of operation, restriction of food sales and listed building consent for any alterations to the building. It is felt that temporary consent for one year is an appropriate time in which to monitor any potential noise impact and parking issues.

Design

There are no proposals to change the external appearance or interior of this category B Listed Building.

CONCLUSION

The proposal complies with Policy 1 and Policy 59 of Dundee Local Plan Review 2005. The objections and any other material considerations do not carry sufficient weight to merit refusal of the application. Temporary consent for 1 year is proposed to monitor any potential disturbance to the

surrounding area in terms of noise and parking.

RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following condition(s):

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 The use shall cease operation not later than one year after the first occupation of the premises which shall be notified in advance to the Council.
- 3 No use shall be made of the premises before 9 am or after 10 pm Monday to Friday and before 10.00am or after 3.00pm on Saturday and Sunday.
- 4 The hot food operations shall be confined to the preparation and sale of filled rolls and sandwiches, teas and coffees and shall not extend to any other hot food. The sale of these goods will be restricted to participants of the various activities within the premises only.
- 5 All noise from music, vocals or other source amplified or otherwise, shall be inaudible within any adjacent residential property.
- 6 No building works or alterations shall take place to the exterior or interior of this listed building without gaining approval from the Council before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 The City Council is prepared to grant temporary permission in order that the use of the property can be monitored and the situation reviewed in light of experience in the interests of residential amenity and the proposal's potential impact on the adjoining road network.

- 3 To protect the amenities of the area and to ensure that the site is not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties.
- 4 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.
- 5 The uses are closely adjoined by residential properties and the City Council considers it necessary to strictly control noise from the premises in the interests of the amenities of the area.
- 6 To ensure the historic and architectural character of the listed building is protected.