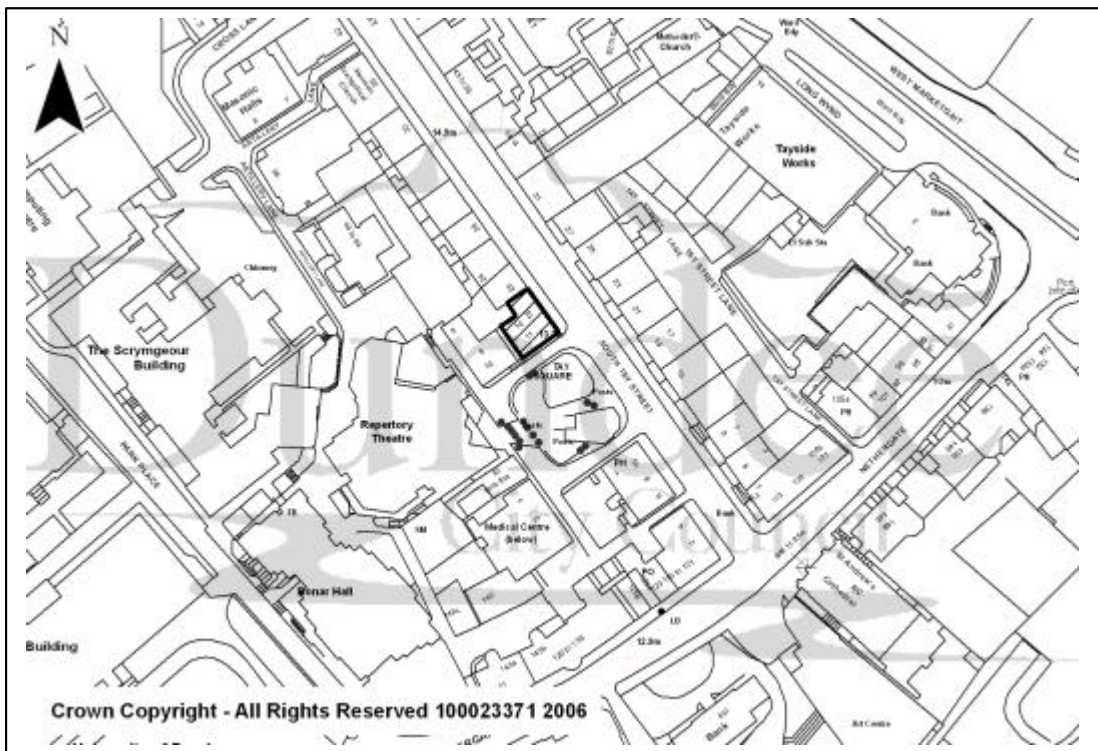


KEY INFORMATION**Ward** West End**Proposal**

Internal Alterations

Address11 Tay Square
Dundee
DD1 1PD**Applicant**Karen Marr
Belsize Road
Broughty Ferry
Dundee**Agent**Nicoll Russell Studios
111 King Street
Broughty Ferry
Dundee
DD5 1EL**Registered** 13 July 2007**Case Officer** B Knox

Alterations to Form Bar/Restaurant

The internal alterations and creation of external disabled access is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with Policy 60 and 61 of the Dundee Local Plan Review 2005. The views of the objector are not supported in this instance. The application is therefore recommended for **APPROVAL**.

SUMMARY OF REPORT

- Listed Building Consent is sought for internal alterations and the creation of an external disabled access to 11 Tay Square.
- One letter of objection has been received and for the reasons specified in the report is not supported.
- It is considered that the proposal complies with Policy 60 (Alterations to Listed Buildings) and Policy 61 (Development in Conservation Areas) of the Dundee Local Plan Review 2005.

DESCRIPTION OF PROPOSAL

The application proposes internal alterations to a Category B Listed building, associated with a previous consent to change the use of the premises from a former office to bar/restaurant. At present, on the ground floor the main space is divided by partition walls into office spaces with a stairwell leading to the basement. The proposal will see the conversion of the ground floor into an open space with a bar to the north of the room. The basement is to be converted into a kitchen area. The exterior to the building is almost unchanged; however a new doorway is to be created in an existing window to the north west of the building in order to provide rear access and a new stair and platform.

SITE DESCRIPTION

The site is located on the north side of Tay Square at its junction with South Tay Street. It forms the ground floor premises of a category B listed three and a half storey terrace. The properties are Georgian in style and finished in natural stone with slated roofs. They are situated in the University Conservation Area and in the heart of the Council zoned "Cultural Quarter".

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

Environmental Resources Policy 5A: Historic Environment.

Dundee Local Plan Review 2005

The following policies are of relevance:

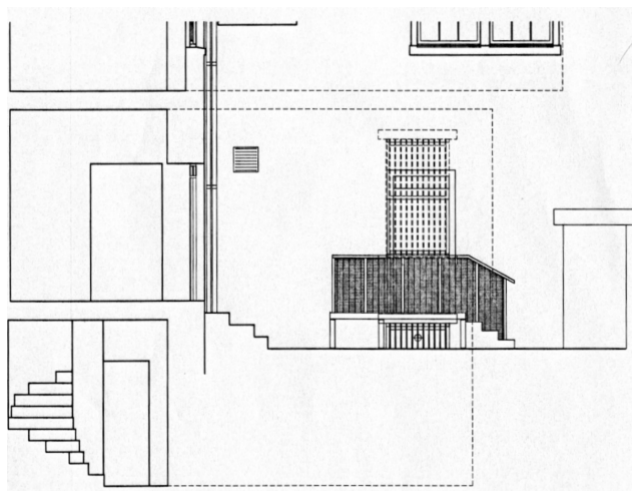
Policy 60: Alterations to Listed Buildings - the alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its historic interest.

The City Council will provide specific supplementary guidance on the

following: window and door alterations, advertisements, shopfronts, roller shutters, treatments to masonry and painting and use of materials.



Policy 61: 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 which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic

pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future.

Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG 18- Planning and the Historic Environment.

Non Statutory Statements of Council Policy

The following policy statements are of relevance:

Memorandum of Guidance on Listed Buildings and Conservation Areas (Historic Scotland).

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

04/00105/LBC Internal and elevational alterations to form a bar restaurant. This application was approved subject to details of the proposed ventilation system serving the premises to be submitted and agreed prior to development and that the banding around all external windows to be painted in a colour to match the exterior stonework and all window frames to be painted white.

04/00103/FUL Change of Use from vacant offices to bar restaurant with elevational alterations. This application was approved in February 2004 subject to details regarding internal noise levels from ventilation and details of the proposed ventilation system as above.

07/00288/COU Change of Use of premises from offices to restaurant/bar. This application was withdrawn as the

application property already benefits from change of use permission for the use proposed.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and 1 objection was received from a neighbouring occupier of an office building. The issues raised relevant to the determination of this application are:

A new fire escape is being constructed with a rear access, platform and steps to the courtyard. This courtyard is a common area.

There is no provision for bin storage within the proposals.

The street outside the premises is a one way road and are concerned how the servicing of the bar restaurant will be carried out. The remainder of the block is in office use and there are concerns with regards to the potential for loud noise and music.

Development should be strictly controlled as this is a conservation area.

CONSULTATIONS

No adverse comments were received from any of the consultees.

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.

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas) Act the Committee is required to have special regard to the desirability of preserving listed buildings or their setting or any features of special

architectural or historic interest which they possess.

Dundee and Angus Structure Plan 2001-2016

Environmental Resources Policy 5A: Historic Environment. The text to the policy points out that "The diverse character and quality of the historic environment provides Dundee and Angus with a distinctive sense of place". The Policy states that Local Plans will establish a policy framework to safeguard and enhance important features of the areas historic environment.

In this respect, Policy 60 (Alterations to Listed Buildings) of the Dundee local Plan Review 2005 states that proposals should have regard to the preservation or enhancement of its architectural or historic character. As mentioned above, the external appearance of the listed building is remaining largely intact. The internal alterations are of benefit to the building with the removal of the current false ceiling, exposing original features such as cornicing.

There will be a new door to the courtyard through an existing window to provide disabled access. The design of this has been shown in the accompanying drawings but details of the materials will be sought as a condition should this application be approved. It is therefore considered that the proposal complies with Policy 60 as above.

Policy 61 also applies here which states that all development proposals will be expected to preserve or enhance the character of the surrounding area. The application property is a Listed Building and occupies a prominent location within the University Conservation Area. The exterior of the building is largely intact and the most significant alteration to the exterior that is part of the current application is the staircase to the rear courtyard. It is considered that subject to appropriate materials this will be acceptable and will preserve the character of the surrounding conservation area. It is therefore considered that the proposal complies with Policy 61.

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:

Objections

One letter of objection was received from a neighbouring occupier of an office building. The issues raised relevant to the determination of this application are:

A new fire escape is being constructed with a rear access, platform and steps to the courtyard. The rear access, platform and courtyard have been discussed above in the Observations Section. One of the concerns raised relates to the fact that the rear courtyard is a common area. The appropriate certification has been completed in this respect and land ownership is not a matter that is covered by planning legislation.

Development should be strictly controlled as this is a conservation area

Conservation areas are not tools to restrict all development, but rather their designation is a means of achieving high quality in design and materials in order to ensure that their special character is preserved or enhanced. It is considered that the proposal has a neutral effect upon the character of the surrounding conservation area.

Other concerns raised relate to:

There is no provision for bin storage within the proposals.

The street outside the premises is a one way road and are concerned how the servicing of the bar restaurant will be carried out. The remainder of the block is in office use and there are concerns with regards to the potential for loud noise and music.

These matters cannot be addressed through the current application since it is for Listed Building Consent and only deals with the physical alterations to the building. The principle of a Change of Use has been established in application 04/00103/COU

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 Listed

Building Consent be granted with conditions.

Design

It is considered that the proposed design of the building is acceptable and has a neutral effect upon the character of the Listed Building and Conservation Area.

CONCLUSION

The proposed development complies with the policies of the adopted Local Plan. The proposed development will preserve the features of this Category B Listed Building and will provide a good standard of development.

RECOMMENDATION

Recommendation 1

This consent shall not be issued unless and until Historic Scotland has formally decided that the application will not be called in for determination by Scottish Ministers .

Recommendation 2

It is recommended that consent 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 Prior to the commencement of development, full details of the material and finish to the proposed rear courtyard staircase are to be submitted to the Planning Authority and approved in writing.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to ensure the appearance and character of the Listed Building and surrounding Conservation Area.