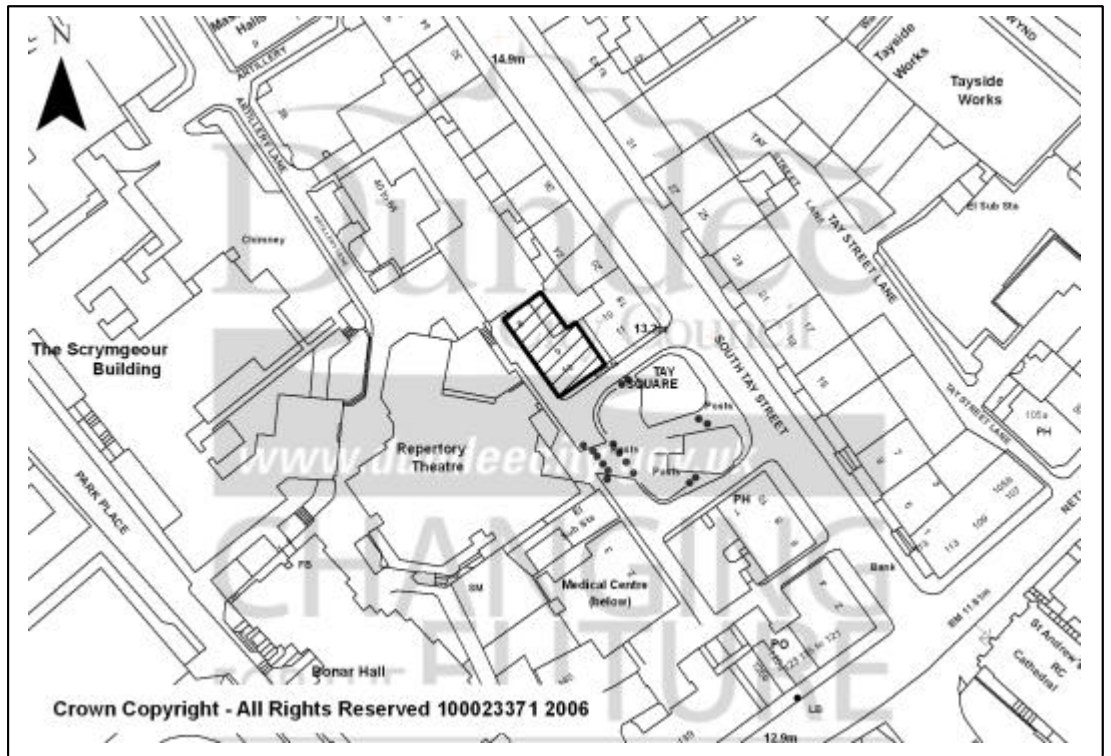


**KEY INFORMATION**

Ward West End

**Proposal**Alterations to form  
bar/restaurant**Address**9 & 10 Tay Square  
Dundee  
DD1 1PB**Applicant**Gillian Veal  
The Parlour Cafe  
Westport  
Dundee**Agent**AIM Architecture Interiors  
Media  
Castle Chambers  
26 Castle Street  
Dundee  
DD1 3AF**Registered** 3 Dec 2007**Case Officer** B Knox

# Proposed Alterations to Listed Building in Tay Square

A change of use from office to Bar/Restaurant is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development is considered to discharge the statutory duty set out in Section 14 of the Planning (Listed buildings and Conservation Areas) (Scotland) Act 1997. The proposal complies with the relevant policies of the adopted Local Plan. The proposals will serve to preserve this important building and will enhance the status of the area as the Cultural Quarter for the city. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Listed building consent is sought for alterations to the interior and exterior of a Category B Listed building located within the University conservation area.
- One letter of objection have been received to the application. Whilst some of the terms are relevant planning considerations, they are not relevant to the determination of this application for Listed Building Consent. The term of objection relevant to the determination of this application relates to the method of ventilation and its appearance on the building.
- It is considered that the proposals are in accordance with Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and the relevant development plan policies of the Dundee Local Plan Review 2005 for the area.
- There are no material considerations, including the views of the objector that would justify a decision contrary to the provisions of the Development Plan.

## DESCRIPTION OF PROPOSAL

The application proposes the alterations of an existing office to form a bar/restaurant. The basement would be occupied by a bar with associated seating with toilets and store areas. The ground floor would be occupied by a restaurant with a bar/servery and kitchen. Access would be taken from Tay Square with level access from the rear courtyard via a new access ramp.

## SITE DESCRIPTION

The property is located on the north side of Tay Square close to the junction with South Tay Street. It forms the ground floor and basement premises of a category B listed three and a half storey building. The properties are Georgian in style and finished in natural stone with slated roofs. It is situated in the University Conservation area in the heart of the Council zoned "Cultural Quarter.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance:

Environmental Resources Policy 5A: Historic Environment. This requires the protection, conservation and enhancement of the city's historic environment.

### Dundee Local Plan Review 2005

The following policies are of relevance: 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. Reference should be made to other policies in the Plan.

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

The following is of relevance:

Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 (Historic Scotland).

Non Statutory Statements of Council Policy

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

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

There is no site history of relevance for the application site. The adjacent property, no 11 Tay Square was granted permission for the Change of Use from an office to a bar restaurant in 2004. This has been carried out and the property is now in use as a bar restaurant.

## PUBLIC PARTICIPATION

One letter of objection was received at the time of the submission of the original application raising the following issues:

Concerns that the courtyard area will become a 'bin storage area'

Concerns regarding the method of ventilation to the property with regards to the appearance and effectiveness.

The premises will require considerable servicing and how can this be achieved when there is only a single carriageway road with no stopping.

The neighbours were renotified at the time of the submission of amended plans and no further objections have been received.

## CONSULTATIONS

No adverse comments have been received from any of the consultees.

## OBSERVATIONS

In accordance with the provisions of Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, the Council is required to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.

At the time of the original submission of the application, it was intended to install a large extract flue running up the entire length of the gable of the building to provide kitchen ventilation. The applicant's agent was advised that given the buildings category B Listed status and location within the

conservation area, this would be unlikely to receive support. This has been amended to an alternative system of extract which will have a minimal physical effect upon the appearance of the building. The proposed alterations to the exterior of the building are relatively minor in nature, and will preserve the character and appearance of the building.

It is also proposed to carry out internal alterations to the building to facilitate the new use. The interior of the building retains very few original features and as such it is considered that the alterations will not have a detrimental effect upon the appearance and/or historic character of the building.

It is also proposed to install a louver in the top sash of an existing window to the rear of the building to allow for ventilation. This is considered to be acceptable as it will not disturb the existing fabric detrimentally.

It is concluded that the development will preserve the character of the listed building and that the statutory duty set out in Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act is discharged.

The development will preserve character and appearance of the Conservation Area. It is therefore concluded that the statutory duty set out in Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act is discharged.

## Other Material Considerations

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

### Dundee Local Plan Review 2005

Policy 59 - Alternative Use for Listed Buildings; Policy 60 - Alterations to Listed Buildings and Policy 61 - Development in Conservation Areas all seek to protect and enhance the existing character of buildings and the surrounding area and seek to ensure that changes are carried out carefully and sensitively. As noted above, It is considered that the proposals treat the building in an appropriate manner and therefore complies with these policies.

The Memorandum of Guidance on Listed Buildings and Conservation Areas states that "New uses for old buildings may often be the key to their continued survival. It may be

justifiable for planning authorities to relax control over use, zoning, density, plot ratio, daylighting, and other restrictions where this would enable an historic building or group of buildings to be given a new lease of life". In this case, the proposed use is in keeping with the Policies of the Dundee Local Plan Review 2005.

The views of the objector:

Concerns that the courtyard area will become a 'bin storage area'

The premises will require considerable servicing and how can this be achieved when there is only a single carriageway road with no stopping.

These issues cannot be taken into account as part of this application for Listed Building Consent which relates to the physical alterations to the building only. This matter is addressed in the partner application for change of use 07/01053/COU which can be found elsewhere on this agenda

Concerns regarding the method of ventilation to the property with regards to the appearance and effectiveness.

This matter in relation to the appearance of the proposed method of ventilation has been addressed above in the Observations Section, the views of the objector are dismissed.

It is concluded from the foregoing that the material considerations support the proposed development.

## Design

The proposed design is considered to be acceptable and will bring a vacant building back into use in order to ensure its continued survival.

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## CONCLUSION

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The alterations to these vacant offices to form a bar/restaurant protects the fabric of the whole building and ensures the property is in beneficial use. The works are acceptable but the application must be referred to Historic Scotland as the buildings are listed Category B.

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## RECOMMENDATION

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### Recommendation 1

This consent shall not be issued unless and until Historic Scotland has formally decided that the listed building application will not be called

in for determination by the Scottish Government.

## 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.

## Reasons

- 1 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.