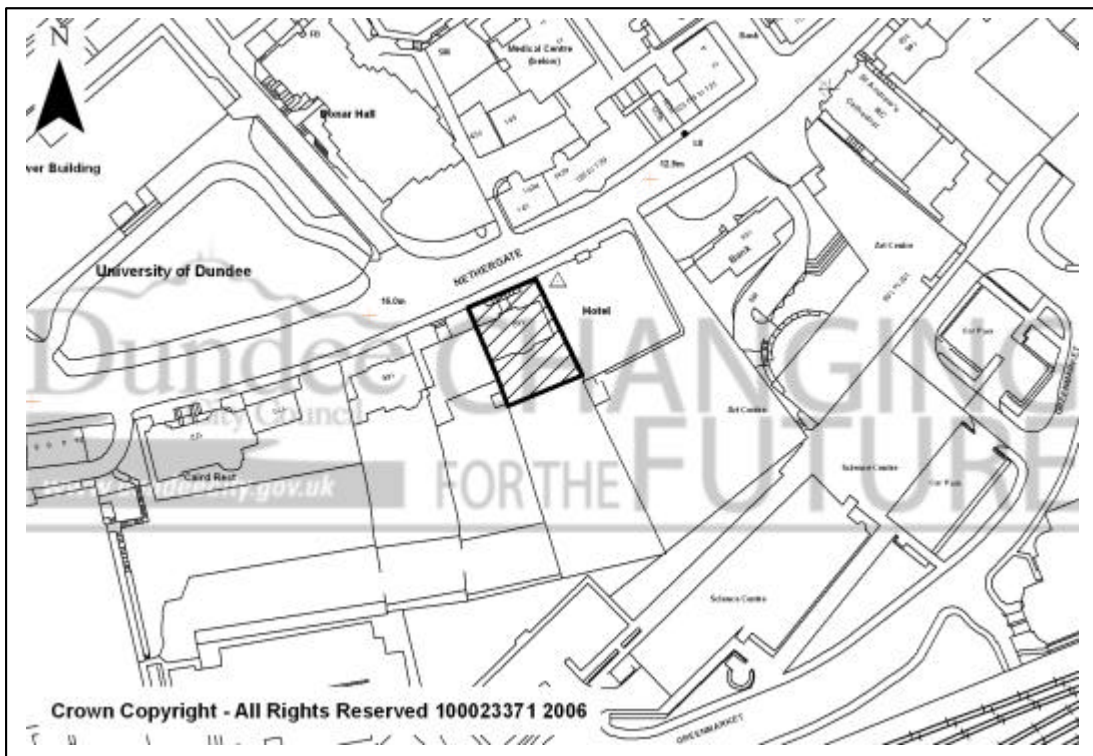


**KEY INFORMATION****Ward** West End**Proposal**Alteration to form  
bar/restaurant**Address**162 Nethergate  
Dundee  
DD1 4HN**Applicant**Nethergate Ltd  
102/104 Bonnygate  
Cupar**Agent**Build Design Services  
5 Campbell Crescent  
Arbroath  
DD11 4JP**Registered** 13 Feb 2009**Case Officer** B Knox

## Alterations Proposed to Listed Building in Nethergate

Alterations to form a bar/restaurant are **RECOMMENDED FOR APPROVAL** subject to conditions.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The application is considered to comply with the relevant policies of the Dundee Local Plan Review 2005 and there are no material considerations to justify a decision contrary to this. The application is therefore recommended for **APPROVAL** subject to Historic Scotland's right of call in.

**SUMMARY OF REPORT**

- The application proposes work to a former university building to facilitate a change of use to a restaurant with bar.
- The application was advertised as Affecting the Setting of the Listed Building. No letters of objection have been received in relation to this application.
- It is considered that the statutory duty set out in Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 of the Act is discharged.
- It is also considered to comply with the relevant Policies of the Dundee Local Plan Review 2005 and there are no material considerations to justify a decision contrary to this.

## DESCRIPTION OF PROPOSAL

The application proposes work to a former university building to facilitate a change of use to a restaurant with bar. The ground floor would form the main restaurant area providing the majority of the seating area. There will be a kitchen to the west side of the property which will open out onto the bar. The main stair case will lead down into the lower ground floor which will provide some additional seating and a further bar area. There will also be a kitchen at this level below the one on the ground floor. The first floor shall be used for storage and office space and a staff room for the proposed restaurant.

There will be limited changes to the exterior of the property. An existing window shall be removed and replaced with a door on both the east elevation and the south elevation. The remaining existing windows shall be retained in order to maintain the character of the property. Internally, some modern partitions shall be removed to facilitate the change of use.

## SITE DESCRIPTION

The application site is located on the south most side of the Nethergate. The property is a former building associated with the University of Dundee for which the main campus is situated immediately opposite the site on the north side of the Nethergate. The property is a large detached building of a significant scale which is finished in natural stone with a natural slate roof. It is situated within the University conservation area and is a Category B Listed building. Internally, there are some historic features such as the main staircase and cornice detailing which all contribute to the rich character and attractive appearance of the property.

The building to the east of the application property forms part of the Queens Hotel with a variety of shops to the ground floor. There are no windows on the west elevation of this property facing onto the application property. The property to the west of the application site is also a former university building

which is no longer in use for this purpose.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

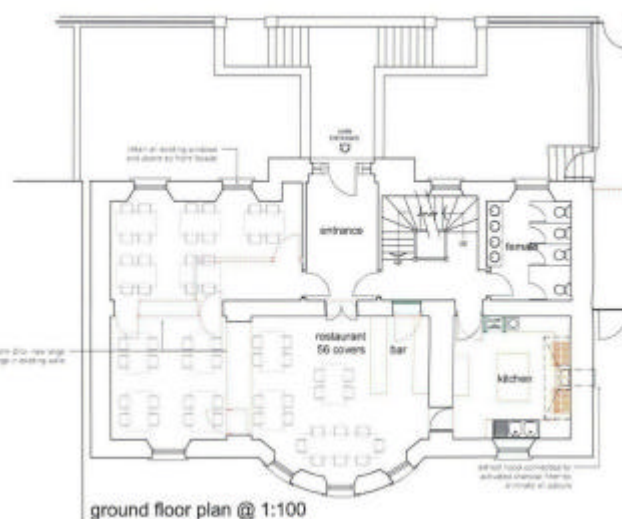
There are no policies relevant to the determination of this application.



### Dundee Local Plan 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

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.

## SUSTAINABILITY ISSUES

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

## SITE HISTORY

There is no relevant planning history for the site.

## PUBLIC PARTICIPATION

The application was advertised as a Listed Building. No letters of

objection have been received in relation to this application.

## CONSULTATIONS

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

## OBSERVATIONS

### Statutory Requirements

In accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

In accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The Statutory Requirements under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting 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.

The proposed alterations to the building are relatively minor in nature and respect the character and features of the Listed Building. The partitions to be removed are modern and do not have original or historic features.

It is considered that the proposed re-use of the building together with the minor alterations proposed to the external appearance of the building will have a positive impact on the appearance and the setting of the local area.

Consequently, it is considered that statutory duty set out in these Sections of the Act is discharged.

### 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

With regard to Policy 59 (Alternative Uses for Listed Buildings), the re-use of the vacant building for the purposes proposed is considered to be compliant with the requirements of the policy.



Policy 60 (Alterations to Listed Building) states that alterations to a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. The proposal is therefore considered to comply with this particular policy.

Policy 61 (Development in Conservation Areas) requires that all development proposals within conservation areas will be expected to preserve or enhance the character of the surrounding area.

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

The SHEP document as specified above is of relevance and supports alternative uses for listed buildings to ensure their protection. This application shall require to be referred to Historic Scotland for ratification should the application be approved.

### Design

The treatment of the listed building is handled sensitively and any interventions are restricted to that necessary to provide a quality facility without prejudice to the character and integrity of the property.

## CONCLUSION

The application is considered to discharge the statutory duties set out in the sections of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and is also considered to comply with the relevant Policies of the Dundee Local Plan Review 2005 and there are no material considerations to justify a decision contrary to this.

## RECOMMENDATION

### 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

The application is Recommended for APPROVAL subject to conditions.

- 1 The works must be begun not later than the expiration of 5 years beginning with the date of this consent.

### Reason

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