

Restaurant Development at City Square

KEY INFORMATION

Ward Maryfield

Address

6-7 City Square
Dundee DD1 3BA

Applicant

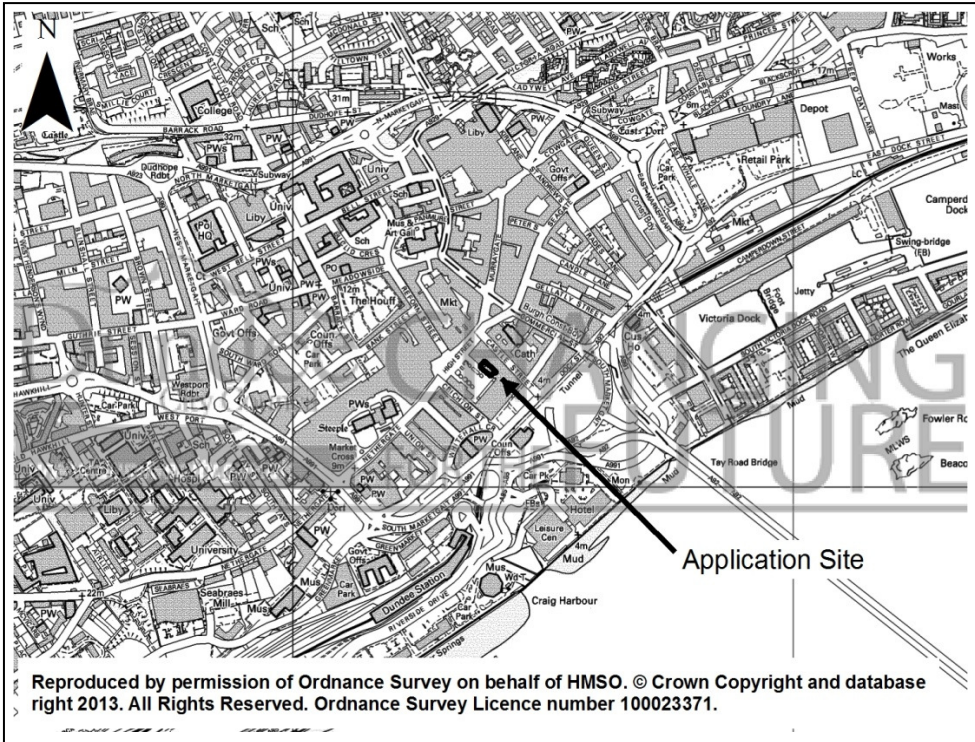
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22-26 Seagate
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DD1 2EQ

Agent

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Dundee
DD2 1BD

Registered 29 July 2013

Case Officer Eve Young



SUMMARY OF REPORT

- Planning permission is sought for the change of use of the former Caird Hall Box Office to form a restaurant on the ground floor with kitchen etc in the basement. No alterations are proposed to the exterior of the building.
- The property comprises part of the north east wing of City Square in the City Centre. The building has a granite frontage with carved decorative panels, bronze decorative fascia and canopy with original fixtures and fittings. It is a C Listed Building within the Central Conservation Area.
- The proposal complies with the Dundee Local Plan Review 2005 and the Proposed Dundee Local Development Plan 2012 in respect of works to a listed building in a Conservation Area. The proposed use is not contrary to Council policy.
- The Head of Environmental Protection seeks details of ventilation and storage of waste bins. These matters are under discussion and can be the subject of appropriate conditions.
- The application is referred to the Development Management Committee for determination as the property is owned by the City Council.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=MQUK53GC04Q00>.

RECOMMENDATION

The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that the application is **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the change of use of the former Caird Hall Box Office to form a restaurant. The development will have customer seating and toilet facilities on the ground floor with a kitchen/servery and small bar whilst the basement will have food preparation areas, kitchen and staff facilities. No alterations are proposed to the exterior of the building. Any signage will be the subject of future applications if required. The interior alterations mainly comprise the removal of later additions which formed the ticket office fixtures and fittings.

2 SITE DESCRIPTION

- 2.1 The property comprises part of the north east wing of City Square in the City Centre. The building has a granite frontage with carved decorative panels at fascia level. The central glazed screen has original bronze framing with decorative fascia and canopy which retains its original fixtures and fittings.
- 2.2 There are offices above and on the south west side of the Square with the Caird Hall to the south east. The adjacent property to the north west has operated as a café/restaurant for more than 10 years.
- 2.3 City Square has been the subject of a recent programme of refurbishment.
- 2.4 The application property forms part of a group of buildings including 1-10 City Square and 5-8 High Street which are C Listed and the site lies within the Central Conservation Area. The property is owned by the City Council.

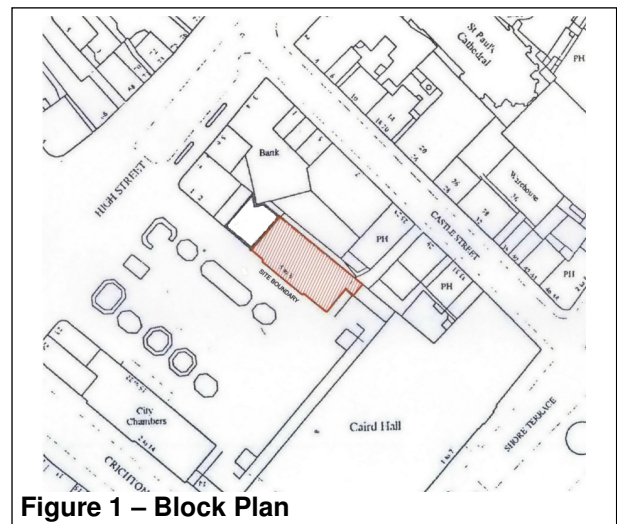


Figure 1 – Block Plan

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL PLAN REVIEW 2005

- Policy 59: Alternative uses for Listed Buildings
- Policy 60: Alterations to Listed Buildings
- Policy 61: Development in Conservation Areas

PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- Policy 20: City Centre Retail Frontage
- Policy 48: Listed Buildings
- Policy 50: Development in Conservation Areas

SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS

- Scottish Historic Environment Policy – SHEP

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.



4 SITE HISTORY

- 4.1 13/00463/LBC is the associated application for alterations to the Listed Building which has yet to be determined.

5 PUBLIC PARTICIPATION

- 5.1 The application was the subject of statutory advertisements and was notified to 22 neighbouring properties. No representations were received.

6 CONSULTATIONS

- 6.1 **Head of Environmental Protection** – details are required of the means of ventilation to the kitchen and confirmation of the location of waste bins to serve the proposed restaurant.
- 6.2 The property is a Listed Building and the applicant was asked to provide alternative options for ventilation which did not involve the installation of a high level flue at the rear of the building. It is noted that the adjoining coffee shop has a high level flue which was approved in 1999 but is not in operation as the coffee shop no longer serves the range of cooked food previously offered by the former occupant, The Twin City café. The applicant has indicated

that the extract system from the proposed restaurant could utilise the existing flue located at 4 City Square. Details of this can be the subject of appropriate planning conditions.

- 6.3 With regard to the location of waste bins, the applicant has had a meeting with Waste Management and the details are the subject of discussions. It is considered that this matter can be the subject of an appropriate condition.

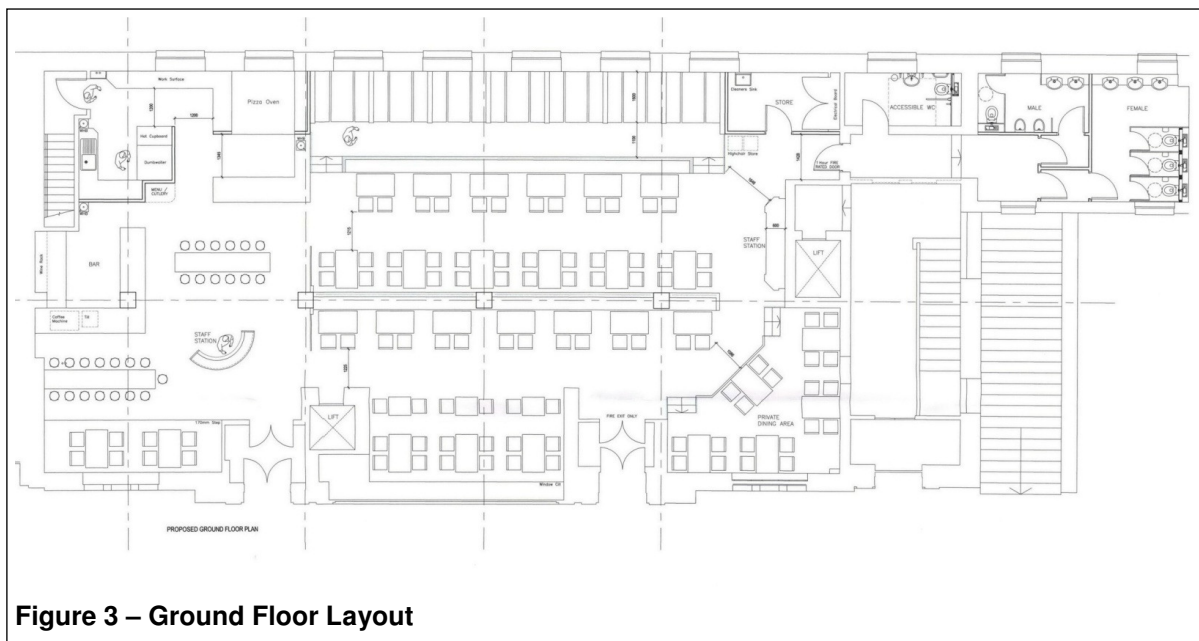


Figure 3 – Ground Floor Layout

7 DETERMINING ISSUES

- 7.1 Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

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

DUNDEE LOCAL PLAN REVIEW 2005

- 7.2 The site lies within City Square which is not designated in the Dundee Local Plan 2005 as being within the City Centre Retail Core and is also outwith the Specialty Shopping and Non Core Area. It is concluded that there are no specific policies in the Plan relating to the proposed use in this particular location.

THE DEVELOPMENT PLAN

- 7.3 **Policy 59: Alternative Uses for Listed Buildings** – the policy supports suitable alternative uses of listed buildings where this is necessary to secure the future of the building. Adaptation of the fabric

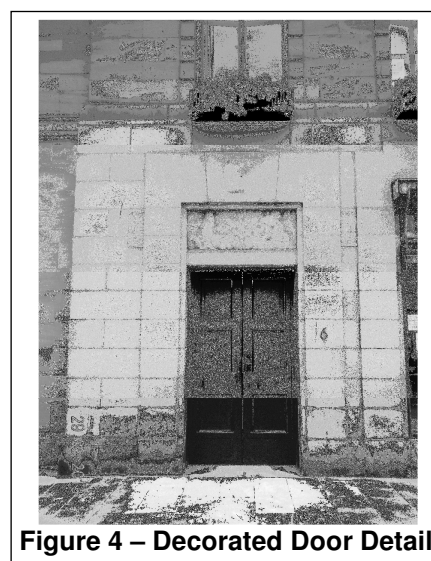


Figure 4 – Decorated Door Detail

must be undertaken carefully and sensitively with minimum impact on the architectural and historic interest, character and setting of the building.

- 7.4 As the proposed change of use proposes limited alterations to the listed building and proposes an acceptable use which will allow the retention of original fabric and features, it is considered that the proposal has regard to preserving the features of the listed building.
- 7.5 **The proposal satisfies Policy 59.**
- 7.6 **Policy 60: Alterations to Listed Buildings** – for the same reasons, the development also complies with this policy which states that alterations are only acceptable where the proposals have regard to the preservation or enhancement of its architectural character.
- 7.7 **The proposal satisfies Policy 60.**
- 7.8 **Policy 61: Development in Conservation Areas** – this policy indicates that all development proposals will be expected to preserve or enhance the character of conservation areas.
- 7.9 As there are no external alterations proposed, original features will be retained and the proposed use will bring an element of vitality to the refurbished City Square, it is considered there will be no adverse impact upon the character of the Conservation Area.
- 7.10 **The proposal satisfies Policy 61.**
- 7.11 **It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.**

STATUTORY DUTY

- 7.12 Section 59 of the Act requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting. It is considered, for the reasons set out above, that the proposal will preserve the building. It is also concluded from the foregoing that the statutory duty set out in Section 64 of the Act, to preserve or enhance the character or appearance of the Conservation Area would also be satisfied by the approval of this proposal.

OTHER MATERIAL CONSIDERATIONS

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

(A) PROPOSED DUNDEE LOCAL DEVELOPMENT PLAN

- 7.13 In terms of the Proposed Local Development Plan, 48 (Listed Buildings) and 50 (Development in Conservation Areas) are relevant in the consideration of the proposals. These policies are substantially the same as Policies 59, 60 and 61 in the existing Local Plan and it is considered that the proposals, as submitted, are in accordance with these proposed policies for the same reasons detailed above.
- 7.14 Policy 20 – City Centre Retail Frontages; Section B – “City Centre Speciality Shopping and Non-Frontage Area” applies to this location. The Policy supports Class 3 Food and Drink uses which includes this proposed restaurant. **The requirements of Policies 20, 48 and 50 of the Proposed Dundee Local Development Plan are also satisfied.**

(B) SHEP – SCOTTISH HISTORIC ENVIRONMENT POLICY

- 7.15 The SHEP notes that work which affects the character of a listed building will require listed building consent. Change should be managed to protect a building's special interest while enabling it to remain in active use.
- 7.16 It may be appropriate to consider enabling development if this can be shown to be the only means of retaining a listed building. In such case, development must be managed carefully and a high quality end product achieved which protects the listed building and its setting and is the minimum necessary to enable its conservation and re-use.
- 7.17 The SHEP notes that it is the duty of the planning authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area when exercising its powers under the planning legislation.
- 7.18 It is concluded that the proposal complies with these requirements and the proposed use of the former Box Office as a restaurant will have no adverse impact on the Listed Building or the Conservation Area.
- 7.19 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal satisfies the requirements of the Development Plan. There are no material considerations that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED subject to conditions:
- 1 Before any works commence, details of the proposed ventilation and extraction systems to be installed within the application site shall be submitted to the Council for written approval. Thereafter, the proposed ventilation and extraction systems will be installed in strict accordance with the details approved by this condition. The details submitted to the Council should include any related equipment, flues or ducts to be installed on the exterior of the building. For the avoidance of doubt the ventilation systems detailed for the cooking processes shall be operated at all times when cooking is carried out.
 - 2 Total noise from all mechanical and electrical plant/services shall not exceed NR45 during the day and NR35 during the night as measured 1 metre externally to any nearby noise sensitive residential property. For the avoidance of doubt, daytime shall be 0700 - 2300 hours and night time shall be 2300 - 0700 hours.
 - 3 Prior to the first use of the premises hereby approved, waste management procedures shall be agreed in writing with the City Council and thereafter, waste from the premises shall be dealt with in accordance with the agreed procedures.

REASONS

- 1 In order to protect the amenities of surrounding occupants and to protect the character of the Listed Building.
- 2 In order to protect the amenities of surrounding residents.
- 3 In order to protect the environment of City Square and ensure the acceptable disposal of waste materials.