

# Proposed Hotel and Rooftop Restaurant in Whitehall Crescent

## KEY INFORMATION

**Ward** Maryfield

### Address

3 & 5 Whitehall Crescent  
Dundee DD1 4AR

### Applicant

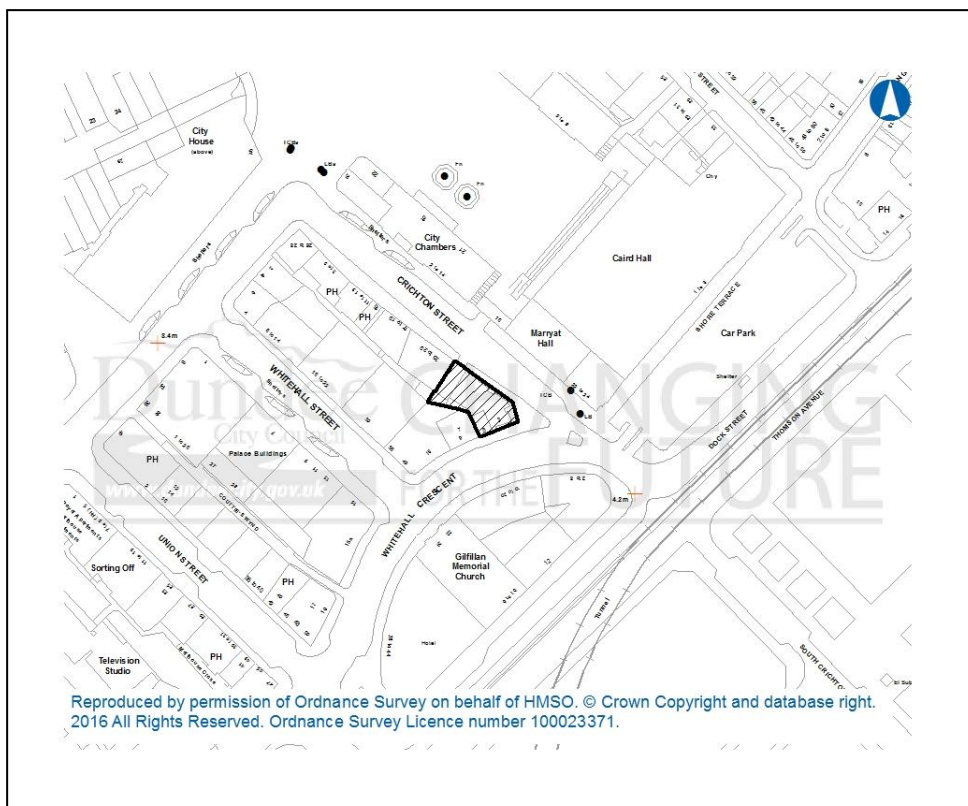
Assurance Developments Ltd  
c/o George Brown  
Tawse & Partners  
18 North Silver Street  
Aberdeen AB10 1JU

### Agent

RDA Architects  
Suite Two  
Stewarts House  
Kingsway East  
Dundee DD4 7RE

**Registered** 9 Sep 2016

**Case Officer** David Gray



## SUMMARY OF REPORT

- Planning permission is sought for the change of use and alteration of a vacant office block to form a hotel, serviced apartments and a rooftop restaurant. The ground floor of the building would remain as a Class 3 use.
- One valid objection and one valid representation were received citing concerns about design, smoke/odour and impact on built heritage.
- The application proposes new visitor accommodation within the City Centre and this complies with Policy 6 of the Dundee Local Development Plan.
- The external alterations would utilise a modern curtain walling system and a 'living wall' and would improve the appearance of building.
- The application complies with the relevant provisions of the Development Plan and there are no material planning considerations that would justify the refusal of the application.
- The application requires to be determined by the Development Management Committee at the request of an Elected Member.
- More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

## RECOMMENDATION

The application complies with the relevant provisions of the Development Plan, meets the relevant statutory duties and the proposal would improve the visual amenity of the area. There are no material considerations of sufficient weight that would justify refusal of the application. Therefore, the application is recommended for APPROVAL subject to conditions.

## KEY INFORMATION

## 1 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the change of use and alteration of the building to form hotel rooms, serviced apartments, the provision roof top restaurant and a small ground floor extension. The proposal would provide a total of 36 new beds.
- 1.2 The ground floor would remain as a Class 3 use with the proposed floor plans illustrating a café/bistro, with a small extension into the pend to the north. The first, second and third floors of the property would become serviced holiday apartments, with the fourth and fifth floors becoming hotel rooms. The rooftop restaurant on the sixth floor would be set back from the building line and would be fully glazed on the south and east elevations to maximise views over the city.



- 1.3 It is proposed to remove the existing curtain walling system and replace it with a modern aluminium cassette cladding system, coloured to match the palette of the surrounding area. A “living wall” is also proposed to break up the façade on Whitehall Crescent.
- 1.4 In accordance with the Council's Scheme of Delegation, the application is being reported to the Council's Development Management Committee at the request of a Local Councillor.

---

## 2 SITE DESCRIPTION

---

- 2.1 The site comprises a vacant 6 storey 1970s office block with an existing restaurant on the ground floor. The building is predominantly finished in a dark brown curtain walling system.

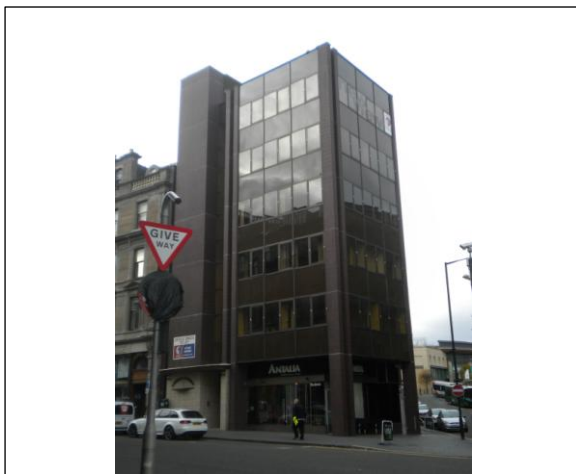


Figure 2 – Photograph of South Elevation



Figure 3 – Photograph of East Elevation

- 2.2 The site occupies a prominent position on the corner of Whitehall Crescent and Crichton Street within the Central Conservation Area. It is located within City Centre as defined by the Dundee Local Development Plan and is bounded by commercial ground floor premises and residential uses on the upper floors to the north and west. The site is bound to the south and east by the footways of Whitehall Crescent and Crichton Street respectively. There is a variety of retail, food and drink, business and residential uses in the surrounding area.

---

## 3 POLICY BACKGROUND

---

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

**DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 6: Visitor Accommodation  
 Policy 7: High Quality Design  
 Policy 20: City Centre Retail Frontages  
 Policy 47: Environmental Protection  
 Policy 50: Development in Conservation Areas

- 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 Planning application 11/00737/FULL for the change of use from an Estate Agent to a Restaurant with takeaway on the ground floor of the application site, was approved on 14 February 2012.

---

## 5 PUBLIC PARTICIPATION

---

- 5.1 The Council carried out the statutory neighbour notification procedure detailed in the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. This application was also advertised in the Dundee Evening Telegraph and a Site Notice was posted at the site due to the development being located within a Conservation Area.
- 5.2 One letter of representation and one letter of objection were received, citing the following concerns:
- smoke/odour impact from existing ground floor use;
  - poor design; and
  - adverse impact on setting of listed buildings and conservation area.
- 5.3 Members will have had access to these letters and the issues raised are considered in the Observations section below.

---

## 6 CONSULTATIONS

---

- 6.1 **The Head of Community Safety and Protection** – has no objection to the application but seeks clarification regarding the proposed means of ventilation and extraction for both the ground floor and roof top restaurants. Such details have been requested from the applicant, but the design of the project is not yet at that stage. Should Members be minded to approve the application, conditions could be added to the decision notice to require the prior approval of such matters. The Head of Community Safety and Protection also requests conditions regarding noise limits from mechanical and electrical equipment and restricting both the hours of operation and any loading/unloading.

## 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 DEVELOPMENT PLAN

- 7.2 **Policy 6: Visitor Accommodation** - supports the provision of a range of high quality visitor accommodation within the City Centre. Any development in the City Centre should not have an adverse effect on the integrity of any Natura site.
- 7.3 The site is located within the City Centre as defined by the Dundee Local Development Plan 2014. The proposal is to convert an existing building and such development would not have any adverse impact on a Natura site. The application therefore complies with Policy 6.

- 7.4 Three of the proposed floors of accommodation would be serviced apartments. Whilst such apartments would be acceptable for temporary visitor accommodation, they would not meet the required standards for permanent residential apartments in terms of floor area or amenity. In order to ensure that these apartments are not occupied as permanent residential accommodation, the use of them should be restricted through condition to a maximum period of 90 days.
- 7.5 **The proposal satisfies Policy 6.**
- 7.6 **Policy 7: High Quality Design** - requires all new development proposals to have a high quality design that positively contributes to the surrounding built and natural environment, with designs complementing their surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.
- 7.7 The existing office block contributes little to the character or amenity of the surrounding area and is in need to improvement. The application proposes to revitalise the building by bringing it back into active use, cladding it using a modern vertical curtain walling system using a palette of light beige and brown colours to reflect the colours in the surrounding area. A living wall is also proposed on the Whitehall Crescent elevation. These alterations would improve the appearance of the existing building and add visual interest to the streetscape. The glazed rooftop restaurant would also add interest at a high level, and such a proposal would provide attractive views over the City and the Central Waterfront area.
- 7.8 The proposal would improve the appearance of the existing 1970s tiled and clad office block, and would contribute to the surrounding built environment. Samples of the particular curtain walling system would be required by condition should Members agree to approve the application.
- 7.9 **The proposal satisfies Policy 7.**
- 7.10 **Policy 20: City Centre Retail Frontages Criterion (b)** - states that within Speciality and Non Frontage Areas uses within Classes 1, 2 and 3 will be supported and that proposals for ground floor premises involving uses falling outwith these classes will not be permitted.
- 7.11 This Policy aims to encourage vibrancy and vitality of the streets within the City Centre. The existing use of the ground floor of the premises falls within Class 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. The application does not propose to amend that use, and such a use complies with Criterion (b) of Policy 20.
- 7.12 **The proposal satisfies Policy 20.**
- 7.13 **Policy 47: Environmental Protection** - states that all new development which would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.14 The application proposes the retention of a Class 3 use on the ground floor and a new Class 3 rooftop restaurant. Such uses have the potential to create disturbance by means of noise and odour. The Head of Community Safety and Protection has no concerns with the principle of the development, but requests details of the proposed means of ventilation and extraction systems for both the rooftop restaurant and the ground floor bistro. Whilst the ground floor use is already in situ, the existing system would require to be altered because of the location of the proposed ground floor extension. Such details could be secured via

condition should Members be minded to approve the application. The Head of Community Safety and Protection also requested conditions to limit noise from any mechanical and electrical plant/services during the night, and restricting the hours of deliveries.

- 7.15 **The proposal satisfies Policy 47 through the addition of conditions.**
- 7.16 **Policy 50: Conservation Areas** - expects that all development proposals will preserve or enhance the character of the surrounding area, retaining all features that contribute to the character and appearance of the conservation area.
- 7.17 The proposed development would bring a vacant building on a prominent corner site within the City Centre back into use, encourage more visitors to the City Centre and encourage vitality and viability in the area. In terms of design, the proposal would result in a visual improvement over that which exists at present, and as such it would enhance the Central Conservation Area.
- 7.18 **The proposal satisfies Policy 50.**

## **STATUTORY DUTIES**

- 7.19 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving listed buildings or their setting or any features of special architectural interest which they possess when determining applications for planning permission.
- 7.20 The site is surrounded by listed buildings to the north on Crichton Street, the south on Whitehall Crescent and to the east by the Marryat Hall/Caird Hall. Externally, the proposal is essentially a recladding proposal of an existing building which would modernise the appearance of the it, and add more interest to the surrounding area. The works would not significantly impact upon the fabric, character, appearance or setting of any of the surrounding listed buildings.
- 7.21 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.22 For the reasons explained in the Development Plan assessment above, the proposal would enhance the Central Conservation Area.
- 7.23 The application meets the requirements of the relevant statutory duties.

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - VIEWS OF OBJECTORS**

One letter of representation and one letter of objection were received, citing the following concerns:

- 7.25 **Concern** - smoke/odour impact from existing ground floor use.
- 7.26 **Response** - the issue of smoke and odour from the ground floor restaurant is an existing issue. However, it is suggested that conditions are proposed to require the submission and

agreement of ventilation and extraction systems for both the ground floor and rooftop restaurants should Members be minded to approve the application. This could result in an improvement to the existing issue.

7.27 **Concern** - poor design.

7.28 **Response** - the proposal would improve the appearance of the existing building for the reasons explained in the assessment above, and the proposed design is considered to be acceptable.

7.29 **Concern** - adverse impact on setting of listed buildings and conservation area.

7.30 **Response** - for the reasons explained in the assessment above, the proposal would enhance the character and appearance of the Central Conservation Area and would not have any significant adverse impact on the setting of any of the surrounding listed buildings.

7.31 **The concerns of the objectors are not supported.**

## **B - NATIONAL POLICY AND GUIDANCE**

7.32 Scottish Planning Policy (2014) and Historic Environment Scotland Policy Statement (2016) should be taken into account when determining applications for planning permission for development which may affect the historic environment. The SPP considers that the designation of a conservation area provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (ie does no harm) should be treated as one which preserves that character or appearance. Historic Environment Scotland Policy Statement acknowledges that the protection of the historic environment is not about preventing change but seeking to ensure that where change is proposed, it is appropriate, carefully considered and if appropriate, reversible.

7.33 **The application complies with the relevant provisions of National Policy and Guidance.**

7.34 **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 therefore recommended that planning permission be granted subject to conditions.

---

## **9 RECOMMENDATION**

---

9.1 It is recommended that consent be GRANTED subject to the following conditions:

- 1 Prior to the commencement of work on site, samples of the proposed external finishing materials of the development hereby approved shall be submitted to the Council for written approval. Thereafter, the proposed development shall be finished in strict accordance with the details approved by this condition.

- 2 Prior to the commencement of the development hereby approved, full details of the proposed ventilation and extraction systems for the proposed roof top restaurant and the ground floor cafe/bistro to be installed within the application site shall be submitted to the Council for written approval. Thereafter, the proposed ventilation and extraction systems shall be installed in strict accordance with the details approved by this Condition prior to any part of the use(s) hereby approved commencing. For the avoidance of doubt, the details submitted to the Council should include any flues or grilles to be installed on the exterior of the building.
- 3 The total noise from the mechanical and electrical plant/services shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential property. Night-time hours are 23:00 to 07:00 hours.
- 4 All deliveries, including loading, unloading or lay-up shall be between 0700 to 2200 hours Monday to Saturday and 0900 to 2100 hours Sunday.
- 5 The serviced apartments hereby approved shall not be used for permanent residential accommodation and shall only be used for temporary visitor accommodation and for no other purpose whatsoever. As such, the serviced apartments hereby approved shall only be temporarily occupied for periods of between one (1) and ninety (90) days.

## **REASONS**

- 1 In the interests of visual amenity.
- 2 In the interest of preventing smell nuisance.
- 3 In order to minimise noise impact on neighbouring properties.
- 4 In the interests of minimising noise impact on neighbouring properties.
- 5 In order to retain control over the use of the building and to prevent permanent residential occupation which would not meet the required Development Plan standards for such.