

KEY INFORMATION

Ward Broughty Ferry

Proposal

Erection of canopy on east and west elevation

Address

Fisherman's Tavern
10-16 Fort Street
Broughty Ferry

Applicant

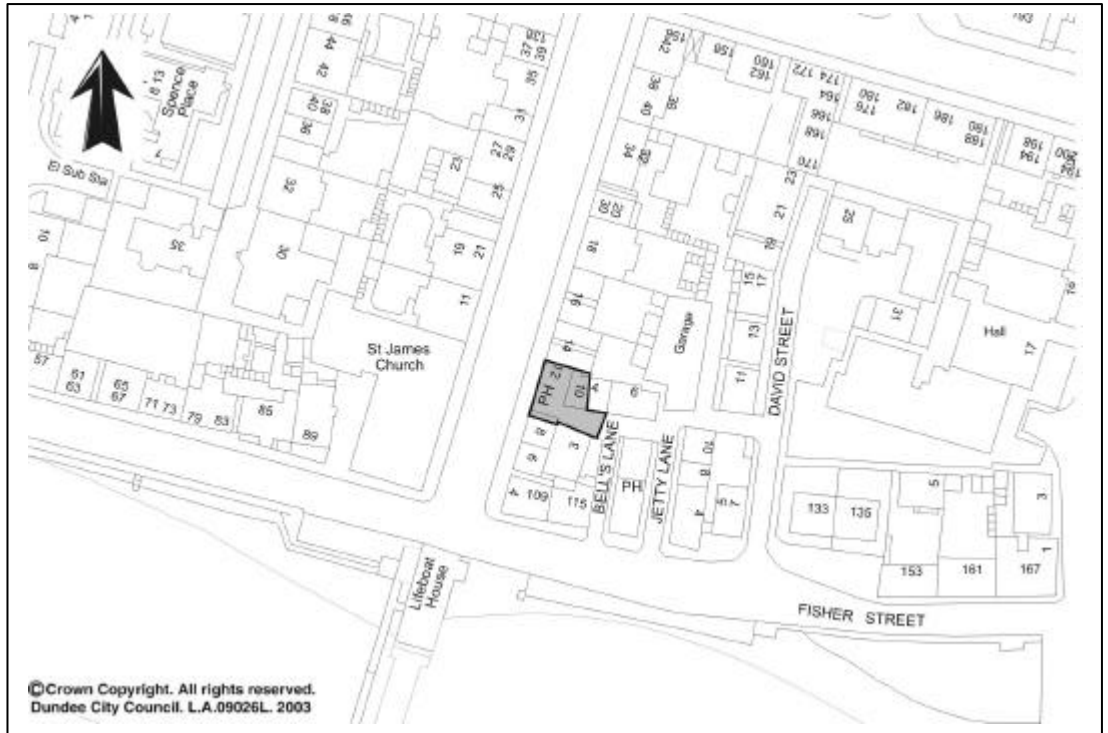
Jonathan Stewart
The Fisherman's Tavern
10-14 Fort Street
Broughty Ferry
DD5 2AD

Agent

Ritchie Dagen & Allan
Suite 2
Stewarts House
Kingsway East
Dundee
DD4 7RE

Registered 24 Feb 2006

Case Officer J Young



Smokers' Canopies proposed for Pub in Conservation Area

Erection of canopy on east and west elevation is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development is considered to be contrary to Section 14 of the Act, Policies 60 and 61 of the Dundee Local Plan Review 2005 and advice in the Memorandum of Guidance. The objection is supported. Accordingly, the application is recommended for REFUSAL.

SUMMARY OF REPORT

- Listed building permission is sought for the installation of canopies on the front and rear elevations of a public house at 10-16 Fort Street, Broughty Ferry to provide smoking areas.
- The proposal raises issues for consideration in terms of Policies 60 and 61 of the Dundee Local Plan Review 2005. It is considered that the proposal does not comply with these policies.
- It is advised in the Memorandum of Guidance on Listed Buildings and Conservation Areas that modern canopy blinds must be firmly discouraged on listed buildings and within conservation areas.
- There are no material considerations that would justify approval of the listed building permission. Therefore the application is recommended for REFUSAL.

DESCRIPTION OF PROPOSAL

This application seeks planning permission for two external canopies to provide smoking areas on the front and rear elevations of The Fisherman's Tavern at 10-16 Fort Street, Broughty Ferry, Dundee. The proposal includes the installation of a 5.3m wide box containing the canopy and it will protrude 2m from the front of the building, when fully open. It will be located 2.25m above the footway and over 3 windows on the front elevation and immediately to the south of the front entrance door. The proposed canopy on the rear elevation will be within a 4.7m wide box and extend 2m from the building, when fully open. It will be located 2m from ground level and above a rear doorway and two windows. The frame of the canopies will be white and the canopy itself will be a buff colour.

The proposal is designed to provide an area for those patrons of the public house who wish to smoke, in light of the new Legislation that bans smoking in public houses and other public places from the 26 March 2006.

SITE DESCRIPTION

The application site is a two storey traditional public house with cream painted stonework, grey basecourse, slate roof and red painted timber sash and case windows and doors. There is a red painted fascia sign on the front elevation with gold individual lettering. There is a single storey section on the rear elevation with slate roof, pink painted harled wall and grey basecourse. There are two windows and a doorway on the rear elevation with iron grilles. Bins are stored next to the rear doorway.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 60: Alterations to Listed Buildings - will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character.



Policy 61: Development in Conservation Areas will be expected to preserve or enhance the character of the surrounding area.



Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 18: Planning and the Historic Environment sets out the framework for dealing with applications affecting listed buildings.

The Memorandum of Guidance on Listed Buildings and Conservation Areas, Historic Scotland 1998 provides advice on acceptable alterations and additions to listed buildings.

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

The proposal does not comply with Key Theme 15: Diversity and Local Distinctiveness are Valued and Protected.

SITE HISTORY

There is a planning application on this agenda and it is recommended for refusal.

PUBLIC PARTICIPATION

The application was advertised in the Edinburgh Gazette and Dundee Courier as affecting a listed building.

One letter of objection was received on the grounds of the adverse impact on the character of the area. Copies of the objection letter are available for viewing in the Members' Lounges and will be considered in more detail in the Observations below.

CONSULTATIONS

No comments were received from statutory consultees or other bodies.

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 and their setting or any feature of special architectural or historic interest which they possess.

The proposed canopies to provide smoking areas on the front and rear elevations of the Fisherman's Tavern, 10-16 Fort Street, Broughty Ferry are not sympathetic to the historic or architectural character of the building. The front canopy extends 5.3m over some front windows on the front elevation and will project 2m from the front of the building, when fully open. It is 2.25m from ground level and this

will be lower at the end of the canopy as it slopes downwards slightly. The rear canopy extends some 4.7m over the rear doorway and windows.

In the Memorandum of Guidance on Listed Buildings and Conservation Areas, Historic Scotland advise that traditional external sun blinds should only be considered where there is a display window to be protected and where it receives direct full sunlight for several hours a day and regularly contains perishable goods. Modern canopy blinds are not a traditional feature of the street scene and their use upon listed buildings and upon unlisted buildings within conservation areas must be firmly discouraged.

It is concluded that the proposal does not comply with the statutory duty as set out in Section 14 of the Planning (Listed Buildings) (Scotland) Act 1997 in this instance.

Other Material Considerations

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

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

New legislation came into force on March 26th 2006 and it introduces a ban on smoking in public places. This proposal has been designed to provide a designated area for those patrons of the public house who wish to smoke, in light of this new legislation. The applicant has not indicated that he intends for the proposed smoking areas to be licensed.

Policy 60 of the Dundee Local Plan Review 2005 states that alterations to listed buildings will only be acceptable where the proposals have regard to the preservation or enhancement of its architectural or historic character. It is considered that the installation of canopies on the front and rear elevations will detract from the historic and architectural character of the listed building. Canopies are normally only acceptable where they are serving a purpose of protecting items within a shop window, which is not the case in these circumstances.

Policy 61 states that all development proposals will be expected to preserve or enhance the character of the surrounding area. As discussed above, the alterations to the frontage of the public house are considered

unacceptable and will detract from the character of the conservation area.

Objection

One letter of objection was received from a resident of Dundee who has concerns about the impact of the proposal on the character of the area. It has been discussed in more detail above that the proposal will detract from the character of the area and so the objection is supported.

From the foregoing it is concluded that the proposal does not comply with the provisions of Policies 60 and 61 of the Dundee Local Plan Review 2005. It is recommended that listed building permission is refused.

Design

The alterations to the public house, by way of canopies on the front and rear elevations are considered visually unacceptable as they will detract from the character of the listed building and conservation area.

CONCLUSION

It is concluded that the proposal does not comply with Policies 60 and 61 of the Dundee Local Plan Review 2005, Section 14 of the 1997 Act or with advice in the Memorandum of Guidance. There are no material considerations that would justify approval of the application contrary to this legislation and advice. Therefore the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):-

Reasons

- 1 The proposal is contrary to Section 14 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and advice in the Memorandum of Guidance on Listed Buildings and Conservation Areas due to the potential adverse visual impact on the appearance and character of the listed building and conservation area.
- 2 The proposal is contrary to Policies 60 and 61 of the Dundee Local Plan Review 2005 due the

adverse visual impact of the proposed canopies on the listed building and conservation areas. There are no material considerations that would justify approval contrary to the development plan.