

8 PLANNING APPEAL DECISIONS (AN141-2009)

- (a) LOCATION: 32 REFORM STREET, DUNDEE (REF: 08/00825/COU)
PROPOSAL: CHANGE OF USE FROM AMUSEMENT ARCADE TO CLASS 2
(LICENSED BETTING OFFICE)

Reference is made to Article I(f) of the Minutes of the Development Quality Committee of 16 February, 2009 wherein the above proposal was refused planning permission. The Council considered that the change of use did not comply with Policy 34 of the Local Plan which encourages retailing at this part of the City Centre.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 29th May, 2009. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter **UPHELD** the appeal and granted planning permission.

In reaching his decision the Reporter considered that the proposal complied with Policy 34 of the Local Plan since the unit was already a non retail use. He considered that as an amusement centre the unit made a minimal contribution to the vitality and vibrancy of the street and that it was certainly no greater than that which could be provided by a betting office.

- (b) LOCATION: 107 HIGH STREET, LOCHEE, DUNDEE (REF: 08/00737/COU)
PROPOSAL: CHANGE OF USE FROM A VACANT CLASS 1 RETAIL UNIT TO A
CLASS 2 BETTING OFFICE

Reference is made to Article I(n) of the Minutes of the Development Quality Committee of 17th November, 2008 wherein the above proposal was refused planning permission. The Council considered that the change of use would result in the loss of a large retail unit within the core frontage of Lochee District Centre which is required to support the regeneration aspirations of the Lochee Physical Regeneration Strategy and that the proposal would be detrimental to the vitality and viability of the District Centre.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 29th April, 2009. Copies of the Reporter's decision letter have already been circulated to Members by e-mail.

The Reporter **UPHELD** the appeal and granted planning permission.

In reaching her decision the Reporter considered that the proposal complied with the Development Plan. She considered that it would provide a leisure facility related to the shopping function of the District Centre and in this respect also accorded with SPP8 on Retailing. Referring to the Lochee Physical Regeneration Framework, she concluded that the loss of this retail unit was acceptable since there were extensive vacancies in the District Centre which could provide opportunities for future retail development and that the proposals would not therefore undermine the District Centre or prospects for its regeneration.

The applicants put forward a claim for an award of expenses based on the Council's unreasonable behaviour in refusing permission but the Reporter concluded that the Council had not acted unreasonably and therefore declined to make an award.