

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use from retail shop to amusement centre

Address

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Dundee
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Applicant

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Registered 25 June 2002

Case Officer C Walker



Proposed Amusement Centre at 77 High Street

A change of use from retail shop to amusement centre is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposal contravenes Policy S3 and Policy S26(A) of the Local Plan because it would provide an amusement centre within the retail core frontage of the city centre. It also contravenes Policy S26(C) because the site is in close proximity to 3 other amusement centres. There are no material considerations to justify the approval of the development contrary to the Plan. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to change the use of the premises from a shop to an amusement centre. Illustrative plans have been submitted indicating the amusement centre to the front of the building with an ancillary snack bar to the rear of the building at a slightly raised level. In support of their application the applicants state that this amusement centre will be attractively presented and that there will be ancillary café and retail elements.
- The group of buildings at 77-80 High Street, including this building, the adjoining shop unit and the Arnotts store, are Category A listed.
- Policy S3 and Section (A) of Policy S26 of the Local Plan (which is backed up by Government Policy in NPPG8) state that amusement centres are not acceptable in primary shopping areas. Policy S26 also states that amusement arcades should not be in close proximity to another amusement arcade.
- There is a current application for an amusement centre with beauty salon and applications for planning permission and listed building consent to install a new shopfront on the premises, the reports on which are contained in this Agenda.
- 4 letters of objection were received stating that the proposed development contravenes Government and Local Plan policy on retailing in town centres, Policies S3 and S26 of the Local Plan and is inappropriate in the historic environment of the city centre.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of the premises from a shop to an amusement centre. The amusement centre will be for amusements with prizes and ancillary prize bingo. This type of facility is restricted to people over 18 years of age. Illustrative plans have been submitted indicating the amusement centre to the front of the building with an ancillary snack bar to the rear of the building at a slightly raised level. Toilets and staff accommodation are proposed on the upper floor level to the rear. No use of the basement is indicated. No changes to existing fire exits on Campbell's Close and Grays Close are proposed. Changes to the shopfront are the subject of separate applications for planning permission and listed building consent.

In support of their application the applicants state that this amusement centre will be different from others in that it will be attractively presented, is found in and is compatible with primary shopping, will not be sessional in nature and tends to attract a mature clientele. They point out that there will be ancillary café and retail elements and that a cafe use has already been permitted at the premises. Finally they have submitted a list of conditions that they would be willing to accept should consent be granted. These include, amongst other matters, the provision of soundproofing and the maintenance of a display of priced goods for sale at the shop window.

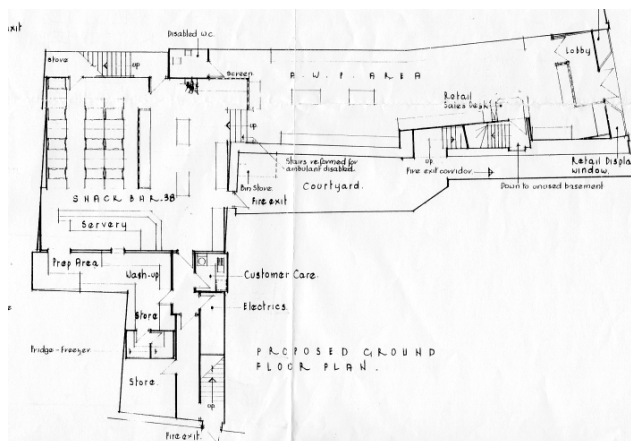
SITE DESCRIPTION

The site comprises vacant retail premises at 77 High Street. The front of the premises is the ground floor and basement of a 4 storey stone building, the middle section is a single storey building of stone and slate and the rear section is a modern 2 storey brick building. The group of buildings at 77-80 High Street, including this building, the adjoining shop unit and the Arnotts store, are Category A listed. They were built in the 1870's although the shopfronts have been remodelled at various stages.

No 77 has a modern shopfront and although its interior has been much

modified over time, the original highly decorative ceiling is visible under the false ceiling. Its access is from High Street although it also has fire escape door to Campbell's Close immediately to the west of the shop and at Grays Close further down the High Street which is also the access to Gardynes Land.

Immediately to the east of the site is a vacant shop unit at 78 High Street. To the north is the Forum Centre and to the northwest is the Arctic Bar. To the west is 75-76 High Street and then 70-73 High Street, a series of medieval buildings known as Gardynes Land. These buildings have ground floor retail uses. The Tayside Building Preservation Trust have acquired the remainder of the buildings (other than



the ground floor retail areas) and have planning permission and listed building consent to restore them as faithfully as possible to their original condition.

POLICY BACKGROUND

NPPG8 Town Centres and Retailing sets out Government Policy which seeks to sustain and enhance the vitality and viability of town centres as the most appropriate location for retailing. It states that amusement centres are unlikely to be acceptable in primary shopping areas or where they are likely to affect amenity adversely, especially in conservation areas or other places of special architectural or historic character.

Policy S3 of the adopted Dundee Local Plan allocates this site as Retail Core Frontage. This policy requires retail uses to be maintained in this area with the only exception being that cafes/restaurants complementary to the retail use are also acceptable.

Policy S26 of the Plan sets out criteria for the location of amusement arcades. It specifically states that they should not be at ground floor in the retail core area of the city, should not immediately adjoin residential property and should not be in close proximity to another amusement arcade, or to schools buildings, churches, hospitals and hotels.

As the proposed development contravenes these policies, it has been advertised as contravening the Local Plan.

In April 2002 the Planning and Transportation Committee resolved that Policy S26 although referring to "amusement arcades" should be applied to amusement centres as well and its title should be amended to "Amusement Arcades and Centres".

LOCAL AGENDA 21

The proposed reuse of the premises does not have any implications for the Councils Agenda 21 Policies.

SITE HISTORY

Planning permission was granted to the current applicants to change the use of the premises to a coffee shop in December 2001 - application ref. no 01/30493/COU refers. This consent has not been implemented.

There is a current application to change the use of the premises to an amusement centre with first floor beauty salon - application ref. no 02/00453/COU refers. That application is effectively a duplicate of the current application but with an added first floor beauty parlour and a report on that application is also contained in this Agenda.

There are current applications for planning permission and listed building consent to install a new shopfront on the premises - applications ref. nos. 02/00404/FUL and 02/00497/LBC refer. Reports on these applications are also contained in this Agenda.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the development was

advertised both as a bad neighbour development and as contravening Policies S3 and S26 of the Local Plan. 4 letters of objection were received (copies available for inspection in the Members Lounges). The grounds of objection are:

- 1 The proposed development contravenes Policy S3 of the Local Plan, will weaken the strength of the retail core frontage and will contravene NPPG8 and Structure Plan policies which reinforce the city centre retail core area.
- 2 The proposed development contravenes Policy S26 because it is within the retail core area and close to other amusement arcades and a school.
- 3 The proposed development is inappropriate in the historic environment of the city centre and will adversely impact on the conservation area and the listed buildings at Gardynes Land.
- 4 Children loitering at the doorway of the premises will deter shoppers at nearby premises.

These matters will be considered by the Observations section of this report.

CONSULTATIONS

The Director of Environmental and Consumer Protection has asked that sound insulation measures be provided.

OBSERVATIONS

The determining issues for the Committee in this instance are:

- 1 Will the proposed development contravene Policy S3 of the adopted Local Plan and if so are there any material considerations that would justify the approval of this application contrary to the Plan?
- 2 Will the proposed development contravene Policy S26 of the adopted Local Plan and if so are there any material considerations that would justify the approval of this application contrary to the Plan?
- 3 Will the proposed development adversely impact on the City

Centre conservation Area and the adjoining listed buildings?

It is clear that the provision of an amusement centre within the retail core frontage of the city centre contravenes Policy S3 and subsection (A) of Policy S26 of the Local Plan. The protection of the retail core area of the city and the exclusion of amusement centres is backed up by Government Policy set out in NPPG8. Section 25 of the 1997 Act requires the Planning Authority to determine the application in accordance with the Plan, and therefore to refuse the proposed development, unless there are material considerations to justify the approval of the development contrary to the Plan.

In this case it is considered that there are no such overriding material considerations. The site is within the heart (as opposed to the periphery) of the retail core area, and it is considered that the retail core area is correctly defined at this location. There is no functional reason why the unit cannot accommodate a retail use and did so up until recently. There is nothing in the applicants letter supporting the proposed development that justifies it as an exception to the policies contravened. Any retailing from the premises will be of no significance and the proposed café use will be entirely ancillary to the amusement centre use. Whilst the provision of a changing window display will provide greater interest than a typical amusement centre frontage, it will not change the nature of the use and the deadening impact it will have on the primary shopping area of the city. Furthermore it is not accepted that an amusement centre use will be complementary to the retail uses in the primary shopping area. This approach is backed up by Government guidance set out in NPPG8. The sole exception in Policy S3 for non-retailing uses is the provision of cafes. The fact that a café use was recently approved at this location is entirely consistent with Policy S3 and does not establish a precedent for a non-retail use at this site.

Section (B) of Policy S26 is not contravened because the site does not directly adjoin residential properties. Section (C) is contravened in terms of the proposed amusement centre being close to 3 similar facilities, 2 in Reform Street and 1 in Seagate. Again

it is not considered that there are any material considerations for approving an amusement centre at this location in close proximity to similar facilities. It is also considered that Policy S26 is applicable to this development because both NPPG8 and the Planning and Transportation Committee Report of April 2002 draw no distinction between amusement centres and arcades. However despite concerns raised by 1 of the objectors, it is not considered that the proposed development should be opposed as being close to Dundee High School as there are 2 facilities in Reform Street closer to the school.

Objectors have raised concerns about the detrimental impact the proposed development may have on the conservation area and adjoining listed buildings. NPPG8 also suggests that amusement centres are unlikely to be acceptable where they are likely to affect amenity adversely, especially in conservation areas.

However in this case it is not considered that any such adverse impact will occur. No changes to the listed building are proposed as part of this application (the shopfront being the subject of separate applications for planning permission and listed building consent). Although there are internal features of interest in the listed building, these need not be adversely impacted upon by the proposed development. The principal concern from the Tayside Building Preservation Trust, who are renovating Gardynes Land, is the possible use of Grays Close for servicing. There is an existing fire escape at this location but if the application were to be supported a condition restricting servicing at Grays Close could be imposed.

The premises do not directly adjoin residential properties and appropriate conditions restricting noise levels could be imposed should permission be granted for this development. Finally it is not considered that the concerns about children loitering at the door of the premises are likely to materialise. An amusement centre is only open to persons over 18 years of age and there appears to be no evidence of loitering around the other amusement premises close to the application site.

Design

As no alterations to the premises are proposed as part of this application there are no design issues to consider.

CONCLUSION

The proposed development contravenes Policy S3 and section (A) of Policy S26 of the adopted Dundee Local Plan 1998 because it would provide an amusement centre within the retail core frontage of the city centre. It also contravenes section (C) of Policy S26 because the site is in close proximity to 3 other amusement centres. There are no material considerations to justify the approval of the development contrary to the Plan.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

Reasons

- 1 The proposed development contravenes Policy S3 and Section (A) of Policy S26 of the adopted Dundee Local Plan 1998 by providing an amusement centre within the retail core frontage of the city centre and there are no material considerations that would justify the approval of this application contrary to the Plan.
- 2 The proposed development contravenes Section (C) of Policy S26 of the adopted Dundee Local Plan 1998 by providing an amusement centre within close proximity of 3 other amusement centres and there are no material considerations that would justify the approval of this application contrary to the Plan.