

**KEY INFORMATION**

Ward East Port

**Proposal**

Change of use from retail unit to leisure pool hall

**Address**23-25 Albert Street  
Dundee  
DD4 6NS**Applicant**Lachlan MacDonald  
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Edinburgh  
EH6 6SB**Agent**

Registered 16 June 2003

Case Officer Julie Finlay



A change of use from a retail unit to a leisure pool hall is **RECOMMENDED FOR APPROVAL** subject to conditions. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is considered to be in accordance with the policies of the Development Plan and the Finalised Dundee Local Plan Review. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought for change of use from retail unit to leisure pool hall at 23-25 Albert Street, Dundee.
- One letter of objection was received from neighbours at 21 Albert Street who are concerned about noise and litter problems. They also raise concerns about associated social problems which are not relevant planning matters. An invalid letter of objection was received from a neighbour at 26 Albert Street.
- Policy S18 of the adopted Local Plan permits non retail uses at this location. The Finalised Dundee Local Plan Review omits the premises from the District Centre.
- It is considered the proposed use will complement this area and will not have an adverse impact on residential amenity due to the reasonable opening hours and the fact that there will be no alcohol licence for the premises.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use from vacant retail premises to leisure pool hall at 23-25 Albert Street, Dundee. The proposed opening hours are from 12.00 to 22.00 hours, 7 days per week. There will be 3 pool tables installed, which have a coin-operated mechanism. There is no intention to sell alcohol or have gambling machines.

## SITE DESCRIPTION

The application premises are located on the east side of Albert Street and they are the ground floor unit of a 4 storey building with flats above. The shopfront is painted blue including a deep fascia and there are black painted doors. The flats above have a stone finish and sash and case style windows. There is an antique shop and takeaway to the north and vacant retail unit and takeaway to the south. Albert Street slopes downwards from north to south in front of the application premises.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

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

### Dundee Local Plan 1998

The following policies are of relevance:

The site is within the Albert Street District Centre but outwith the retail core area. Policy S18 permits changes of use from retail uses in sites outwith the core area.

H1: Existing Residential Areas - Within areas where residential use predominates developments will be permitted where they do not adversely affect the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

### Dundee Urban Nature Conservation Subject Local Plan 1995

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

### Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities - The City Council will promote vibrant communities, encouraging the development of an appropriate range of services and



facilities close to and within housing areas. New development should be in accordance with other policies in the Plan and seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.

The Finalised Local Plan does not allocate this area of Albert Street as part of the Albert Street District Centre retail core area and so a mixture of uses are supported.

### Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.

### Non Statutory Statements of Council Policy

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

## LOCAL AGENDA 21

The application premises are using a retail unit which has been vacant for some time and so it is considered that re-use will prevent further deterioration of the premises. Key theme 12 is relevant which states that opportunities for culture, leisure and recreation should be readily available to all. Key theme 7 is also relevant which states that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all.

## SITE HISTORY

Planning permission was refused for change of use to hot food takeaway on 30 September 2002.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out. 2 letters of objection were received from the occupiers of nearby flats stating concerns about:

- 1 Noise.
- 2 Litter.
- 3 Opening times of pool room.
- 4 Possible anti social behaviour.

## CONSULTATIONS

The Director of the Environmental and Consumer Protection Department has no major objections providing the pool room does not operate after 2230 hours or if they are intending to install any air conditioning/ventilation. The proposed hours of operation are from 12.00 to 22.00 hours and it is not intended to install any additional air conditioning or ventilation.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider:

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

## The Development Plan

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

Policy S18 of the Dundee Local Plan 1998 does not preclude the proposed development.

In terms of Policy H1, the hours of operation are from 12.00 to 22.00 hours and it is not intended to sell alcohol or install gambling machines. Therefore it is not considered that there will be a noise problem for residents in the surrounding flats. In addition, the Director of the Environmental and Consumer Protection Department has no objections to the proposed use, so long as it does not operate after 2230 hours and no air conditioning/ventilation is installed without prior approval of the Council.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

## Other Material Considerations

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

The revised Local Plan does not allocate this area of Albert Street as a retail core area and so a mixture of uses are supported.

Policy 1 supports a range of services and facilities close to and within housing areas, while protecting the amenity enjoyed by local residents. As previously discussed, due to the opening hours which do not extend beyond 22.00 hours, it is not considered that there will be an adverse impact on the amenity enjoyed by neighbouring residents.

## Objections

The objections raised by adjacent neighbours are litter, noise, anti social behaviour and opposition to the proposed opening hours. The proposal is for a small scale pool hall and it is not considered there will be associated litter problems as the premises will not sell alcohol or hot food. As previously discussed the premises will only open from 12.00 to 22.00 hours and this is acceptable to the Director of the Environmental and Consumer Protection Department in terms of the impact on neighbours. Fears of anti

social behaviour are often unfounded. In this case the restricted hours of operation and the nature and small scale of the proposed development mean that it is unlikely that there will be any problems in this regard.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission for this development which accords with the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

## Design

No external alterations are proposed for the frontage as part of this planning application. However it is likely that changes will be required and it is therefore proposed that a condition be imposed requiring details of changes to be submitted prior to the commencement of the new use.

## CONCLUSION

The proposal is considered to be in accordance with the Policies in the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review as there will be no adverse impact on the amenity enjoyed by surrounding neighbours. There are no material considerations that would justify refusal of the application in these circumstances. It will be beneficial to the immediate and surrounding area for this unit to be re-used and not remain vacant and fall into a state of disrepair, as is evident with many premises in this area of Albert Street.

## RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced within five years from the date of this permission.
- 2 The proposed pool hall shall only operate between 10.00 and 22.00 hours.
- 3 Details of a proposed new shopfront and signage shall be submitted to and approved in writing by the Council before the use hereby permitted commences.

- 4 Details of any proposed air conditioning or ventilation system to be installed on the premises shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.

## Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to protect the residential amenity enjoyed by adjacent residents from an unacceptable increase in noise level.
- 3 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area.
- 4 In order to protect the residential amenity enjoyed by adjacent residents from an unacceptable increase in noise level.