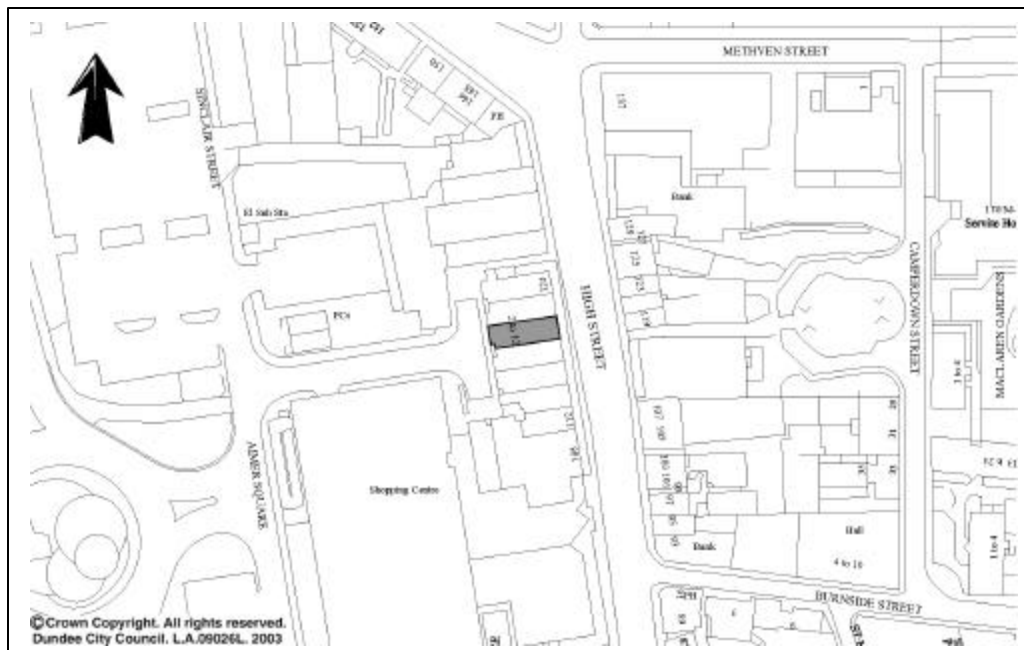


**KEY INFORMATION****Ward** Lochee West**Proposal**

Change of use to sunbed salon

**Address**120 High Street  
Lochee  
Dundee  
DD2 3BL**Applicant**Consol Sun Centre  
59 Stockiemuir Avenue  
Bearsden  
Glasgow**Agent**Scott McCredie  
59 Stockiemuir Avenue  
Bearsden  
Glasgow**Registered** 21 Jan 2004**Case Officer** Eve Jones

# Sunbed Salon Proposed in Lochee High Street

The change of use to sunbed salon is **RECOMMENDED FOR APPROVAL** subject to conditions.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

Change of use of the unit from hairdresser to sunbed salon does not comply with the relevant policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review. It is considered that there are sufficiently strong material considerations to support the proposal. The application is recommended for **APPROVAL** subject to conditions.

**SUMMARY OF REPORT**

- Planning permission is sought to change the use of a vacant hairdressers to a sunbed salon. The unit is on the west side of High Street, Lochee in a relatively modern block of shops with flats above.
- The site lies within the Retail Core area of Lochee District Centre. The relevant policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review state that proposals which result in the loss of shopping or other Class 1 retail uses or café/restaurant use at street level will not be acceptable.
- It is necessary to assess the impact of the two uses and determine whether their characteristics are materially different. Whilst the change of use is defined by the Use Classes Order it is considered that the two uses are very similar in terms of the nature of the users and the frequency of visits.
- The unit is very small, 87 square metres and its use as a sunbed salon would be unlikely to have a detrimental effect on the supply of retail units or the viability and vitality of the High Street.
- The material considerations are considered to be sufficiently strong in this particular instance to support the granting of planning permission contrary to the policies in the Local Plan.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing vacant shop unit to form a sunbed salon.

## SITE DESCRIPTION

Existing vacant shop within modern development on west side of High Street Lochee. There are flats above and a service road to the rear. The adjacent shops include a bookmakers, an off license and a bakers.

## 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:

Policy S17 - Retail Core Areas.

### 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 39 - District Centre Core Areas.

### 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 proposal complies with Key Theme 4, local needs are met locally.

## SITE HISTORY

There is no relevant planning history.

## PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as an application contrary to the Development Plan. No objections were received.

## CONSULTATIONS

There were no adverse responses from consultees.



## 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 S17 - Retail Core Areas states that proposals which result in the loss of shopping or other Class 1 retail use or café/restaurant use at street level

will not be acceptable: A) where it is located within the retail core area of Lochee as defined in the appendix. The retail core is 93-137 and 102-138 High Street and Unit 4 Highgate Shopping Centre. The application site lies within the core area and the use proposed is not specifically identified as Class 1 retail in the Use Classes Order. The policy is designed to retain life and vitality in shopping areas particularly important District Centres such as Lochee. Non-shopping uses are considered to diminish this vitality.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

### Other Material Considerations

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

Finalised Dundee Local Plan Review Policy 39 - District Centre Core Areas. The policy states that proposals which result in the loss of shopping or other Class 1 retail use or café/restaurant use at street level will not be acceptable where it is located within the retail core area of Lochee as defined in the appendix and would result in more than one in five units in a single frontage being occupied by uses other than shops, restaurants and cafes.

At present, the adjoining double unit to the north is occupied by a bookmakers which is not within the designated uses but the four single and one double unit to the south are all shops.

The shop was previously a hairdressers which is specifically identified as a Class 1 Retail use under the terms of the Town and Country Planning (Use Classes)(Scotland ) Order 1997. Circular 1/1998, which provides guidance on this legislation, notes that, "in addition to the retail sale of goods, the shops class covers a variety of other similar uses where a service is provided principally to visiting members of the public, e.g. post offices, travel agents, hairdressers, launderettes, dry cleaners etc". Tanning studios are not specifically listed as Class 1 however they are operationally very similar to hairdressers and clearly provide a similar nature of service. They may be

considered to fall within Class 2 which includes financial, professional and other services to visiting members of the public. Class 2 uses are acceptable outwith the retail core. Due to the relatively short period of the visits, they contribute in a similar way to the vitality of the street.

Lochee High Street provides a wide range of goods and services and is an important District Centre. It has a relatively low vacancy rate and the vacant shop in question is only 87 square metres which is a small unit. The adjacent 5 units to the south are all retail shops.

It is considered that the use of the unit as a tanning studio does constitute a change of use as defined by the Use Classes Order. However it does not automatically follow that such a change is material. It is necessary to assess the impact of the two uses and to determine whether their characteristics are materially different. It is considered that the two uses are very similar in terms of the nature of the users and the frequency of their visits. The use of the unit as proposed will not have a significant effect upon the availability of retail units or viability of the District Centre.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

## Design

There are no proposed alterations to the external appearance of the unit.

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## CONCLUSION

The proposed change of use from a vacant hairdresser to a sunbed salon does not comply with the terms of the relevant policies in the Local Plan and the Finalised Dundee Local Plan Review. However, it is necessary to consider the impact of the two uses and to determine whether their characteristics are materially different. The two uses are very similar in terms of the users and the nature and frequency of their visits. It is considered that the use of the unit as proposed will not have a significant effect upon the availability of retail

units or the viability of the District Centre. It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

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## 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 Total noise from all mechanical and electrical services shall not exceed NR35 as measured 1 metre external to the façade of the nearest residential accommodation.

## Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality