

KEY INFORMATION

Ward Tay Bridges

Proposal

Change of use on ground floor from shop (class 1) to betting office (class 2)

Address

Unit 6B
3 Whitehall Street
Dundee
DD1 4AA

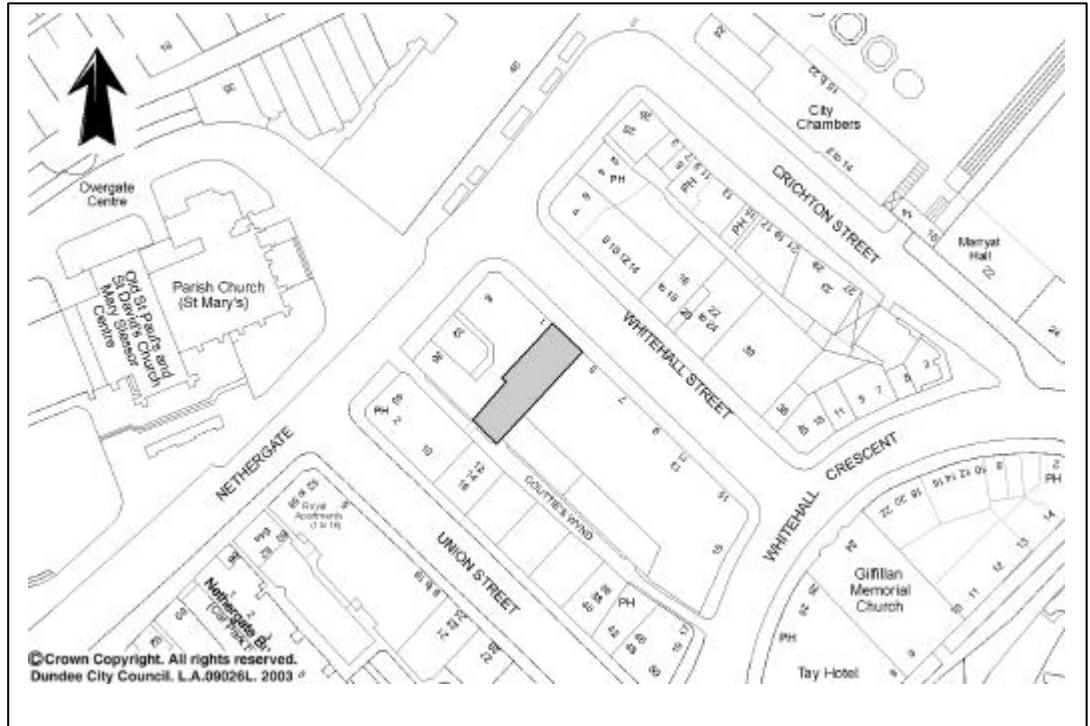
Applicant

William Hill Organisation Ltd
9/15 North Drive
Glasgow
G1 4BL

Agent

Registered 22 Nov 2004

Case Officer D Gordon



Proposed Betting Shop in Whitehall Street

A change of use from shop (class 1) to betting office (class 2) is **RECOMMENDED FOR REFUSAL**.
Report by Director of Planning and Transportation

RECOMMENDATION

The proposal is in accordance with the Dundee Local Plan 1998 where the site is in a Secondary Retail area. The Finalised Dundee Local Plan Review re-defines the site within the City Centre Retail Core where betting shop uses are not supported. The application is recommended for **REFUSAL** in accordance with the material considerations.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of a vacant retail unit to a betting shop. There are no changes to the exterior of the building submitted for consideration at this time.
- The site lies on the west side of Whitehall Street, is a Category B listed building and is located within the Central Conservation Area.
- The Dundee Local Plan identifies the site as being within a Secondary Retail Area where Class 2 uses activities eg betting shops are acceptable. In the Finalised Dundee Local Plan Review, the site is re-defined as being within the City Centre Retail Core Area where the relevant policy does not support such Class 2 uses in order to protect the vitality and viability of the City Centre shopping functions. This policy is a material consideration in the determination of this application.
- An objection to the proposal has been submitted that raises issues relating to draft Policy 34 of the Local Plan Review.
- The terms of the Finalised Dundee Local Plan review are considered to be of sufficient weight to justify the refusal of the application contrary to the policies of the adopted development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a vacant retail property to a betting shop (defined as a Class 2 use under the terms of the Use Classes Order 1997). Although the accompanying floor plans indicate that a new access into the property is proposed, no details of this alteration have been submitted for consideration at this time.

SITE DESCRIPTION

The site comprises part of the northern section of the former Debenhams department store, the majority of which is currently unoccupied. The premises form a narrow rectangular unit on the ground floor of a 4-storey (with attic) sandstone ashlar tenemental and commercial building that fronts onto Whitehall Street. The floor area of the unit measures approx. 246 square metres.

The site is located on the south side of the city centre and lies within an area of mixed uses that are diverse in character and typical of a city centre location.

The site bounded by Whitehall Street to the east and Coutties Wynd to the west. The building is a Category B listed building and is contained within the Central Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policies are of relevance.

Town Centres and Retailing Policy 3: Dundee Central Area. This policy supports measures that would reinforce Dundee Central Area's role as one of Scotland's key centres providing a focus for retailing and related activity by inter alia, supporting further retail development and directing to the central area complementary leisure and commercial uses capable of contributing to its vitality and viability

Dundee Local Plan 1998

The following policies are of relevance:

Policy S5 - Secondary Retailing Area where non-retail activities within Classes 1 (shops), 2 (offices) and 3

(food and drink) of the Use Classes Order 1997 will generally be acceptable in ground floor shop type premises.

Policy BE11 - Within conservation areas all developments will be expected to complement and enhance the character of the surrounding area.

Policy BE15 - Suitable alternative uses will be encouraged for buildings considered to be of architectural merit or townscape value where this is necessary in order to secure the future of the building having regard to other relevant policies in the Plan.



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 34: City Centre Retail Core. Within the City Centre Retail Core area proposals for Class 1 (retail) will be encouraged. Proposals that would result in the loss of ground floor retail

uses to uses other than Class 3 uses will not be permitted.

The terms of Policy 59: Alternative Uses for Listed Buildings and Policy 61: Development in Conservation Areas are reflected in Dundee Local Plan policies BE15 and BE11 above.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline 8: (Revised 1998) - Town Centres and Retailing. This NPPG sets out Government Policy for town centres and retail developments and also addresses non-retailing uses that have a role to play in contributing to the economic health and enhancement of town centres. This guideline offers advice on the sequential approach that planning authorities and developers should take to selecting new sites for retail, commercial and other key town centre uses.

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 involves the re-use of a vacant listed building which is sustainable and therefore in accordance with the Council's Local Agenda 21 policies.

SITE HISTORY

The Debenhams building has been the subject of a number of planning applications in recent years, with the most relevant being:

D22837 - Change of Use of department store to form retail units on the basement and ground floor and flats on the upper floors. - Approved 29/09/97.

D24361 - Elevational alterations to form 7 retail units - Approved 21/01/2000

01/30115/COU - Change of use of retail store to public house and hotel - Application withdrawn Feb 2002

01/30178/COU - Change of use of part of former department store (3, 7, 9, 13 and 15 Whitehall Street) to public house, retail and restaurants - Approved on Appeal 18/09/2002.

02/00114/COU - Change of use of the northern section of a former department store to public house and flatted accommodation - Approved on Appeal 18/09/2002

02/00368/COU - Change of use of part of former department store (units 3 and 4) to restaurant with elevational alterations - Approved 28/10/2002.

03/00389/COU - Change of use of the northern section of department store to public house (basement, ground and first floor levels) and office accommodation on upper floors - Approved 28/10/2002.

03/00566/COU - Part change of use of basement, ground and first floor retail (Class1) premises as public house and ancillary accommodation - Approved 02/12/2003.

04/00839/FUL - Alterations to upper floors of former department store (3, 7, 9, 13 and 15 Whitehall Street) to form 28 flats - Application remains to be determined by the Council.

04/00840/LBC - Alterations to Unit 6B (3 Whitehall Street) to form a betting office - Application remains to be determined by the Council.

PUBLIC PARTICIPATION

The applicants have carried out the statutory neighbour notification procedure. An objection to the proposal has been received that advises that the proposed use of the unit as a betting office is contrary to the draft policies of the Finalised Dundee Local Plan Review.

A copy of this objection can be viewed in the Members Lounges. The terms of the objection are discussed in 'Observations' below.

CONSULTATIONS

There have been no adverse comments 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.

The site lies within an area identified as Secondary Retailing in the City Centre and, as a result, Policy S5 of the Dundee Local Plan 1998 applies. This policy states that non-retail activities within Classes 1, 2 and 3 of the Town and Country Planning (Use Classes) (Scotland) Order 1989 will generally be acceptable in ground floor shop-type premises. The proposed use is considered to fall within Class 2 of the above Order and the premises in question were formerly a shop unit. Consequently, the proposal is in accordance with the requirements of Policy S5 of the Plan.

With regard to Policy BE15 of the Plan (Alternative Uses for Listed Buildings), while this Council will actively encourage the re-use of listed buildings, it is considered that in this instance the proposed use as a Class 2 operation is not essential at this time to secure the future of the building.

As stated in Details of Proposal above, the application is for a change of use of the property only. In this respect, as no external alterations are submitted at this time, it is considered that Policy BE11 (Development in Conservation Areas) does not apply in this instance.

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 Finalised Dundee Local Plan Review, that has now been the subject of a Public Inquiry, is a material consideration in the determination of

planning applications. Policy 34 of the Draft Plan refers to the City Centre Retail Core and the site under consideration is identified as being within this Core area. Dundee is now ranked as one of the top shopping destinations in Scotland and the Plan seeks to ensure that the shopping function continues to expand. Policy 34 is intended to ensure that "the vitality and visual appeal of the core area is not diluted by an over-representation of other types of businesses lacking in visitor attraction potential of its shops". It is considered that the City Centre Retail Core should be retained in retail use but with acceptable complementary Class 3 (Food and Drink) uses.

The policy supports proposals for Class 1 retail uses and will resist proposals that will result in the loss of ground floor retail uses other than to Class 3 uses. The Policy further considers the acceptability of banks and building societies geared towards shoppers but offers resistance to other uses within Class 2.

The proposed use as a betting shop does not fall within the Class 2 use exceptions considered acceptable in this location. The use of the property for this proposed use would prevent the unit being used for either Class 1 or Class 3 uses that would help to support the viability and vitality of the city's retail functions. Consequently, it is considered that the proposal is contrary to Policy 34 of the Plan.

With regard to Policy 59 (Alternative Uses for Listed Buildings) and Policy 61 (Development in Conservation Areas), it is considered that the terms of Dundee Local Plan Policies BE15 and BE11 above are reflected in these policies and the same conclusions are offered.

An objection to the proposed change of use has been submitted. The objection raises issues relating to Policy 34 of the Finalised Dundee Local Plan Review and the potential adverse impact such a Class 2 use would have on the retail shopping within the City Centre Retail Core. It is considered that the matters raised by the objector have been discussed and discharged above.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations of the Finalised Dundee Local Plan Review such as to justify the refusal of

planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused

Design

There are no design issues as the application is for a change of use only.

CONCLUSION

The proposed change of use complies with the relevant policy in the Development Plan. The site has been re-designated as part of the Retail Core area in the Finalised Dundee Local Plan Review and the relevant policy seeks to ensure that unacceptable Class 2 uses do not locate in such areas in order to protect the vitality and viability of the city's important shopping area. It is considered that the policy in the Finalised Plan is a sufficiently strong material consideration to support the refusal of the application contrary to the development plan policy. Accordingly, the application is recommended for Refusal.

RECOMMENDATION

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

Reason

- 1 The proposed development is contrary to Policy 34 City Centre Retail Core of the Finalised Dundee Local Plan Review as it would result in the establishment of an unacceptable Class 2 use within the area.