

KEY INFORMATION

Ward Broughty Ferry

Proposal

Change of use from Class 1
Retail to Class 2 Betting
Office

Address

209 Brook Street
Broughty Ferry
Dundee

Applicant

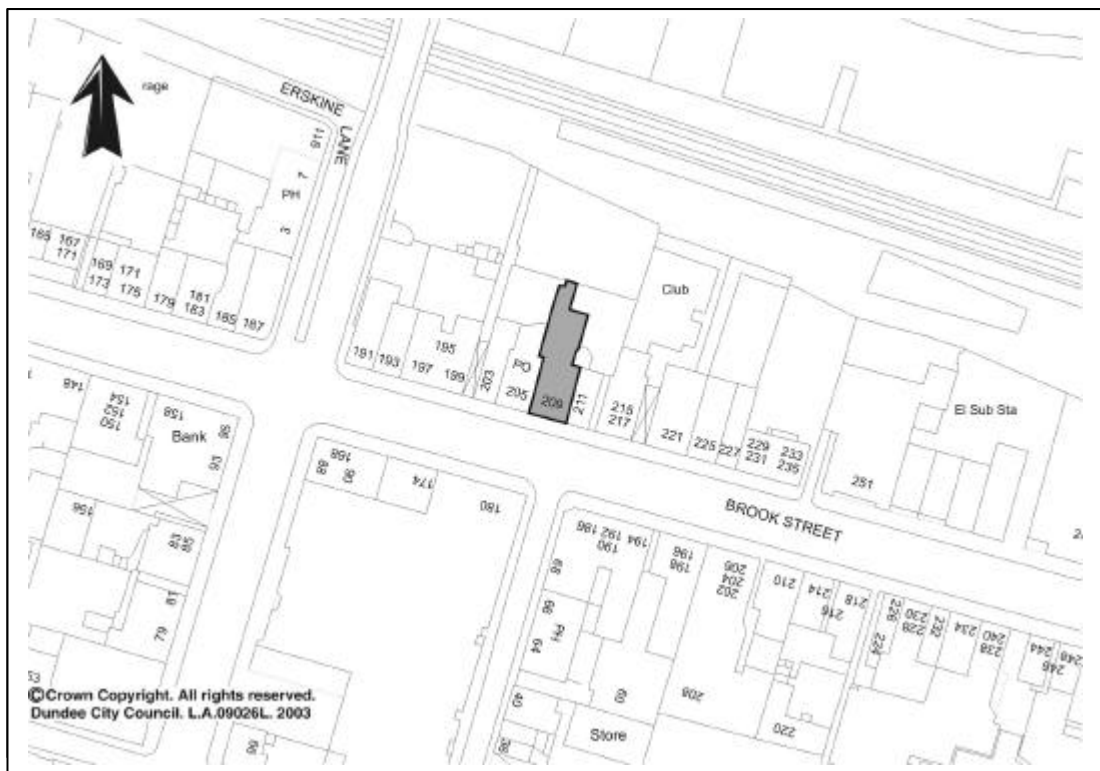
Ladbrokes Plc
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Agent

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Registered 1 June 2006

Case Officer C Walker



Proposed Betting Office in Brook Street

A change of use from Retail to Betting Office is **RECOMMENDED FOR APPROVAL** subject to **conditions**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal complies with Development Plan policy and planning conditions can ensure that an open and active frontage is maintained. Therefore, the application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought to change the use for the premises from a vacant shop to a betting office. The site is in the heart of the retail core of Broughty Ferry with adjoining ground floor premises in retail use and upper floors in either residential or office use.
- Policy 39 of the adopted Local Plan permits a level of non retail use in the core area and the proposals comply with this policy. Government guidance also encourages entertainment uses in town centres.
- 4 letters of objection were received, 1 from the Broughty Ferry Traders Association and 3 from nearby shop owners. The objectors are principally concerned that the use of the premises as a betting office will detract from this prime retail location. They also raise concerns about traffic problems.
- The proposal complies with the provisions of the development plan and the concerns of the objectors are non sufficient to justify a refusal of planning permission.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use for the premises from a vacant shop to a betting office. No elevational alterations to the premises have been indicated.

The applicants have provided a supporting statement in which they state that the development is in accordance with National Guidance and Policy 39 of the adopted Local Plan. They point out that there is only 1 non retail use in the row of 23 units on the north side of Brook Street, and that this use (Khans Takeaway) is an acceptable use in terms of the policy. The policy allows 20% of units to change to uses outwith classes 1 (retail) and 3 (food and drink) whereas the current proposal would result in only 1 unit(4%) of the total being in a use outwith classes 1 and 3.

They suggest that betting offices add positively to the viability and vitality of shopping areas and at least 70% of customers will make other purchases in the locality. They can open on Sundays and later at night bringing trade outside normal shopping hours and can have bright, open and active frontages.

SITE DESCRIPTION

The site comprises the former Scottish Hydro Electric premises on the north side of Brook Street. It occupies the western half of the ground floor of a two and a half storey building. The eastern part of the ground floor is occupied by Timpson and the upper floors are in residential use. The premises also include a single storey extension to the rear of the building.

The site is in the heart of the retail core of Broughty Ferry with adjoining ground floor premises in retail use and upper floors in either residential or office use.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan Review 2005

Policy 39: District Centre Core Areas

Within the areas defined in Appendix 5, development proposals which would result in the loss of Class 1 (retail) or restaurant and café uses at ground floor level will not be acceptable:

- a where they are located within the retail core of the Broughty Ferry and Lochee District Centres and would result in more than one in five units in a single frontage being occupied by uses other than shops, restaurants and cafes; or
- b where they are located within the retail core of other district centres and would result in more than 2 in 5 units in a single frontage being occupied by uses other than shops, restaurants and cafes.



Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG8 Town Centres and Retailing sets out the framework for protecting town centres. It refers to a number of factors including encouraging a diversity of uses throughout the day and evening (Paras 28 and 35-36), encouraging commercial leisure and entertainment uses (Para 38) and also setting out the role of Local Plans and the possibility of distinguishing between primary and secondary frontages (Para 90).

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

The reuse of an existing building on a centrally located site well served by public transport is considered to be sustainable and in accordance with the Councils Agenda 21 Policies.

SITE HISTORY

There is no relevant history of planning applications.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and 4 letters of objection were received, 1 from the Broughty Ferry Traders Association and 3 from nearby shop owners. The objectors are principally concerned that the use of the premises as a betting office will detract from this prime retail location. They are concerned about the increase in charity shops and non retail uses in Brook Street and suggest that the use should be directed to a secondary location. They also raise concerns about traffic problems with fears that users of the facility would tend to use the nearby loading bays for short term parking. Finally they suggest that there is an excess of betting offices in Broughty Ferry.

Copies of these letters are available for inspection in the Members Lounges and the points raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards has asked that a condition be imposed controlling amplified noise from the premises.

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. Although the previous local plan framework (Dundee Local Plan 1998) contained a prohibition against Class 2 uses such as this in prime frontages, the current Local Plan in Policy 39 contains a much more liberal regime where up to 1 frontage in 5 can change to a Class 2 use. As there are no non conforming uses in the entire stretch of this side of Brook Street from Fort Street to Gray Street, the proposal is in conformity with Policy 39. Indeed the policy would permit up to 5 units on this side of the street converting to uses outwith Classes 1 and 3.

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

Other Material Considerations

a Views of the objectors.

The objectors are concerned that the proposed use will detract from this prime retail location. However it is clear that the retail core of Broughty Ferry is overwhelmingly retail in use and it is difficult to argue that the proposal will have the detrimental impact claimed. The objectors are also concerned about the increase in charity shops but that type of use is retail in nature and in accordance with Local Plan policy.

It is accepted that even although Class 2 uses may be in accordance with Local Plan policy, they can lead to "dead" frontages which detract from the shopping area. In this case it is proposed that should Members be minded to approve this application, that a planning condition be attached requiring an open frontage to be maintained at the premises at all times.

The suggestion that there is an excess of betting offices in Broughty Ferry is not relevant to the determination of this application and in any event there is no other betting office with a retail frontage within the core area.

Finally concerns have been raised about traffic problems with fears that users of the facility would tend to use the nearby loading bays for short term parking. This is a traffic management issue and there is no reason to suspect that retail uses might not attract similar problems.

b Applicants Statement in Support

The applicants correctly point out that the proposal complies with Local Plan policy and suggest that betting offices add positively to the viability and vitality of shopping areas and at least 70% of customers will make other purchases in the locality. They can open on Sundays and later at night bringing trade outside normal shopping hours and can have bright, open and active frontages. Policy 39 of the Local Plan and Government guidance in NPPG8 accepts these views and encourages this type of use in town centres.

c NPPG 8 Town Centres and Retailing

Government guidance is generally supportive of the proposed development and sees an important role for entertainment uses in town centres.

It is concluded from the foregoing that insufficient weight can be accorded to the views of objectors such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted in accordance with the provisions of the development plan.

Design

As no elevational alterations are proposed, there are no design issues associated with this development.

CONCLUSION

The proposal complies with Development Plan policy and planning conditions can ensure that an open and active frontage is maintained.

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 Details of the design of the shopfront and the interior layout which shall ensure that an active frontage with views into the premises shall be maintained at all times 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.
- 3 All amplified sound shall be so controlled as to be inaudible within the residential accommodation above.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.
- 2 In order to maintain the continuity of the shopping frontage in this retail core area.
- 3 To protect the residential amenity of adjoining occupiers.