

**KEY INFORMATION**

**Ward** Broughty Ferry

**Proposal**  
Change of use of Vacant  
Retail to Cheque Centre

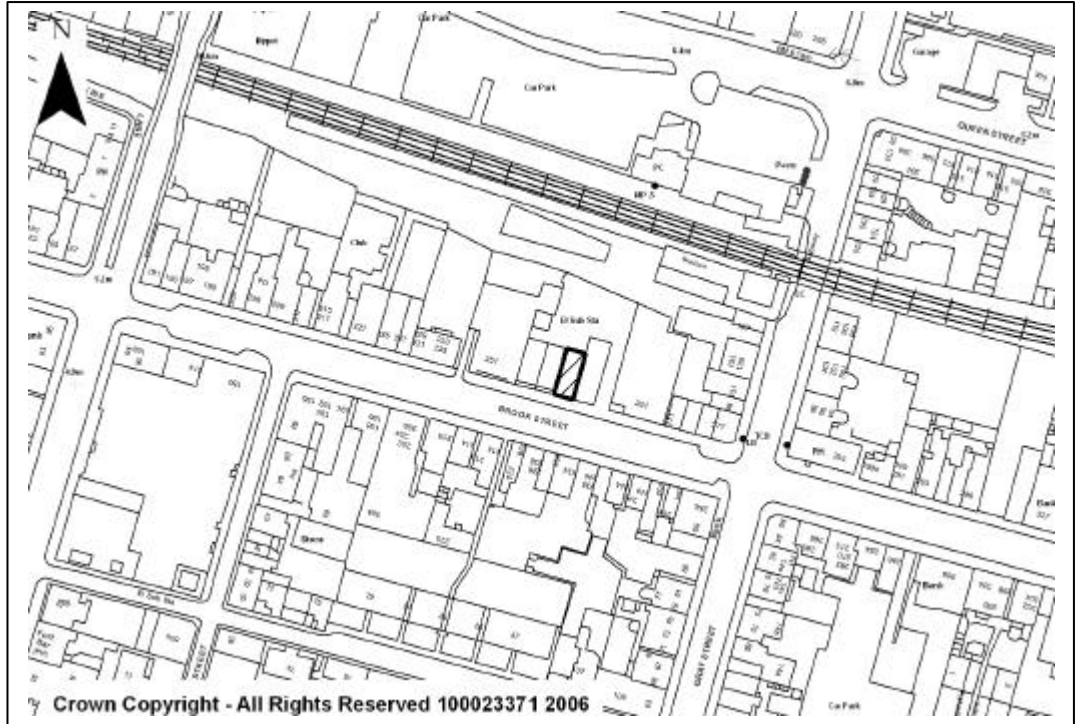
**Address**  
257 Brook Street  
Broughty Ferry  
Dundee

**Applicant**  
Cheque Centre Properties  
Ltd  
218 Morrison Street  
EDINBURGH EH3 8AE

**Agent**  
ADF Group  
"The Squirrels"  
Station Road  
Balsall Common  
CV7 7FD

**Registered** 16 Nov 2006

**Case Officer** C Walker



# Proposal for Non-Retail Use in Brook Street

Change of use from Vacant Retail to Cheque Centre 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. The application is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought to change the use of a vacant shop (formerly Global Video) to a cheque centre. The site is in the heart of the Broughty Ferry retail core area.
- Policy 39 of the Dundee Local Plan Review 2005 permits 1 in 5 frontages to be converted to a Class 2 uses at this location and the proposal complies with this policy.
- A letter of objection was received from an adjoining business concerned about the loss of a retail unit, which he considers will lower the overall standard of the Broughty Ferry shopping experience.
- The proposal complies with Development Plan policy and planning conditions can ensure that an open and active frontage is maintained.

## DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use for the premises from a vacant shop to a cheque centre. No elevational alterations to the premises have been indicated. Internally it is proposed to subdivide the unit so that the front third (some 20 sq. metres) is available as a public area.

The applicants have provided a supporting statement in which they state that their business is one of a financial services provider normally trading between 9 until 5.30 from Monday through to Saturday. Typical branches receive in excess of 50 customers per day and research suggests that money obtained from branches is spent immediately and mainly within the immediate locality, thus contributing to the viability and vitality of the centre within which the branch is located.

They suggest that the premises have bright open frontages and although not Class 1 retail uses, fulfil the role of Class 1 uses by contributing to the vitality and viability of the centre.

## SITE DESCRIPTION

The site comprises the former Global Video premises on the north side of Brook Street. It occupies a central unit in a block of 4 units, the other occupiers being MCB Optometrists, Sphere (clothing) and Greggs (bakery). These units are of a similar design, with a brick finish and flat roofs. There is a service yard to the rear of the units.

Further to the west is the Woolworth store. The site is in the heart of the retail core of Broughty Ferry.

## 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:

- 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
- 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

SPP8 Town Centres and Retailing sets out the framework for protecting town centres. It envisages a broad range of land uses in town centres including business uses. It also recognises the need for development plan policies to better reflect local circumstances when interpreting national policy.

## Non Statutory Statements of Council Policy

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

## SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

## SITE HISTORY

There is no relevant history of planning applications at this site. Planning permission for a non retail use (a betting office) further to the west at 209 Brook Street was refused in August 2006 by the Committee (application ref no 06/00376/COU) on grounds that it would introduce a dead frontage into the retail core area and that the proposed use would lead to parking problems.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours. A letter of objection was received from an adjoining business. The objector is concerned about the loss of a retail unit, which he considers will lower the overall standard of the Broughty Ferry shopping experience. He considers that the proposed use will not benefit the district centre and that it will lead to further pressure on limited parking facilities and abuse of loading bays and double yellow lines by quick parking to cash a cheque.

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

## CONSULTATIONS

No adverse comments were received from Consultees.

## OBSERVATIONS

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

- whether the proposals are consistent with the provisions of the development plan; and if not
- 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.

22 January 2007

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 objector.

The objector is 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 cumulative impact of a number of Class 2 uses would be a matter for concern but the relevant policy seeks to prevent an excessive concentration of such uses.

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.

Finally the objector is concerned about traffic problems with fears that users of the facility would tend to use the nearby loading bays or restricted areas 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 suggest that their proposed use will not detract from the vitality and viability of the district centre, and will function in a similar matter to a retail unit. However it is considered that there are differences between the proposed use and a Class 1 retail use, but that there will not be significant detriment to the District

Centre as a whole and it is for this reason that Policy 39 accepts a limited number of Class 2 uses at this location.

### C) SPP 8 Town Centres and Retailing

Government guidance takes a flexible approach to non retail uses in retail areas, accepting a broad range of uses in town centres. In this case the proposed use is one that is in conformity with Local Plan policy and in line with the guidance set out in SPP8.

It is concluded from the foregoing that insufficient weight can be accorded to the views of the objector 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 consent 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.

## 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.