

**KEY INFORMATION**

**Ward** The Ferry

**Proposal**

Change of use from Vacant  
Class 1 Retail to Class 2  
Betting Office with  
Alterations to the Shopfront

**Address**

209 Brook Street  
Broughty Ferry  
Dundee

**Applicant**

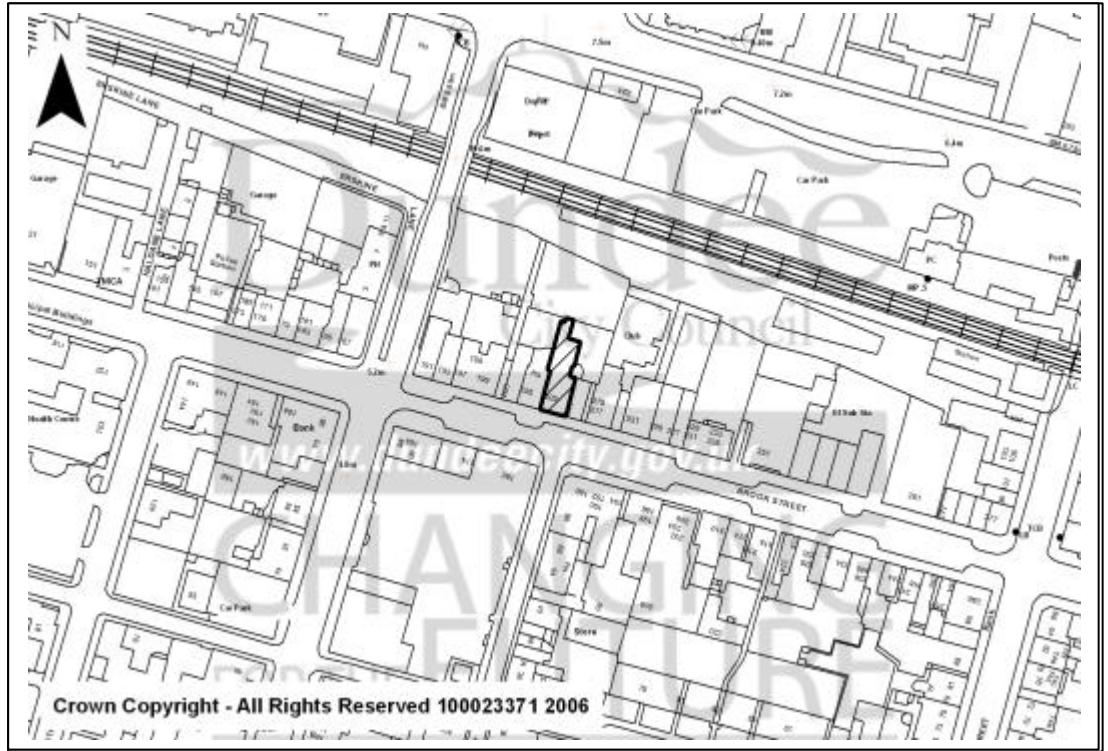
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**Agent**

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**Registered** 31 Oct 2007

**Case Officer** C Walker



## Proposed Betting Office in Brook Street

The change of use from a Vacant Class 1 Retail to Class 2 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.
- 3 letters of objection were received, 1 from the Broughty Ferry Traders Association and 2 from a 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 not 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 significant elevational alterations to the premises are proposed.

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 Class 2 use (a cheque centre) in the row of 23 units on the north side of Brook Street, so that retail uses represent 95% of the frontage and would only drop to 91% if this application were approved ie 9% non retail. They state that this is well within the 20% maximum threshold set out in the policy. They point out that the other non retail use in this frontage is a Class 3 use which is acceptable in terms of the policy.

They suggest that current vacancy levels on both sides of Brook Street mean that retailers would not have a difficulty obtaining premises, that SPP8 encourages a mix of uses and that betting offices are no longer regarded as undesirable but are an accepted town centre use (with many examples of betting offices in close proximity to each other). Finally, they state that the application premises have been marketed since February 2006 with no serious interest during that time.

## 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 Timsons 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

SPP8 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, encouraging commercial leisure and entertainment uses and also setting out the role of Local Plans and the possibility of distinguishing between primary and secondary frontages.

## Non Statutory Statements of Council Policy

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

## SUSTAINABILITY ISSUES

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 sustainability policies.

## SITE HISTORY

Planning permission on this site for an identical development to that currently proposed was refused by the Councils Development Quality Committee on 28 August 2006 contrary to recommendation - application 06/00376/COU refers.

Planning permission for a Class 2 cheque centre at 257 Brook Street was approved by the Committee on 22 January 2007 - application 06/01051/COU refers.

## PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and 3 letters of objection were received, 1 from the Broughty Ferry Traders Association and 2 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 which they consider contravenes planning policy. They are concerned about the increase in non retail uses in Brook Street referring to nearby hairdressers and snooker club 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 very limited supply of nearby parking spaces and other vacant space (including illegal use of loading bays) for short term parking. Finally they suggest that Broughty Ferry is already well served by betting offices.

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 use which is not a shop, restaurant or cafe. For the purposes of Policy 39, since there are no significant breaks, it is considered that the frontage on the north side of Brook Street from Fort Street to Gray Street can be treated as a single frontage. The only non conforming uses in the entire stretch of this side of Brook Street from Fort Street to Gray Street, out of a total of 23 units, are a recently approved cheque centre, a takeaway and a hairdressers. The proposal is therefore in conformity with Policy 39 which would permit at least 4 units on this side of the street being in uses other than shops, restaurants or cafes.

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 and about the increase in non retail uses. 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 snooker club referred to does not occupy core retail frontage and is entirely outwith the core area as defined in the Local Plan. 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 Broughty Ferry is already well served by betting offices is not relevant to the determination of this application.

Finally concerns have been raised about traffic problems with fears that users of the facility would tend to use the nearby parking spaces and other areas for short term parking. This is a traffic management issue and it is not considered that the proposed development would create a significant problem at this location.

(B) Applicants Statement in Support - the applicants point out that the proposal complies with Local Plan policy and National Planning Policy and it can be seen from the assessment of this application that this point is accepted. The information provided on the marketing of the site has been noted as has the reference to other vacancies within the retain core area (there are currently 3 vacant units including the application site).

(C) SPP 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 significant 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.
- 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 an attractive and open shopfront in this retail core area.
- 3 To protect the residential amenity of adjoining occupiers.