

KEY INFORMATION

Ward Maryfield

Proposal

Change of Use from
Amusement Arcade to
Class 2 Retail (Licensed
Betting Office)

Address

32 Reform Street
Dundee
DD1 1RH

Applicant

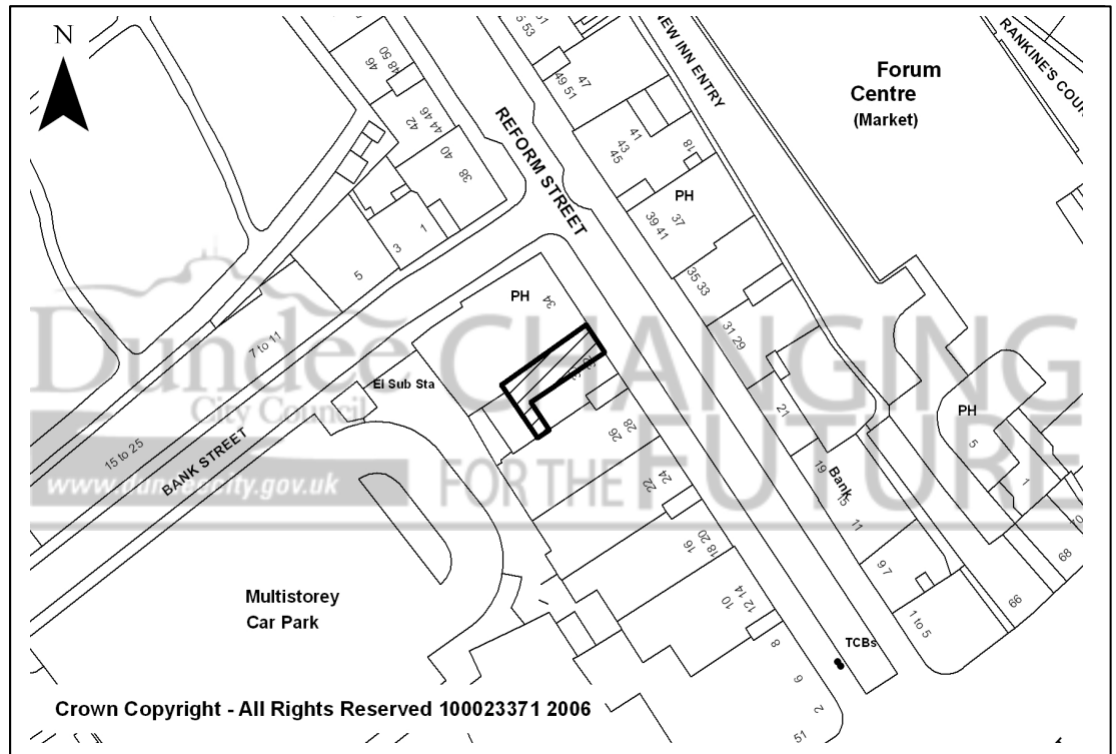
Galacoral Group
25-27 Front Street
Chester-le-Street
Co Durham
DH3 3XD

Agent

EVDAS (Jonathan Jones)
Cottage 6, Faith Avenue
Quarrier's Village
Bridge of Weir
PA11 3SX

Registered 4 Dec 2008

Case Officer B Knox



Proposed Betting Shop in Reform Street

The change of use from an Amusement Arcade to a Licensed Betting Shop is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed change of use is contrary to Policy 34 of the Dundee Local Plan Review 2005 as the use would be an unacceptable Class 2 use in the City Centre Retail Core. There are no material considerations of sufficient strength to support the granting of planning permission contrary to that policy. Accordingly, the application is Recommended for REFUSAL.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of an existing amusement centre to a betting shop. There are no proposed changes to the building at this stage. The amusement centre is a "sui generis" use and the betting shop is a Class 2 use.
- The site lies on the west side of Reform Street close to its junction with Bank Street, within the pedestrianised section of the street. This part of Reform Street has a mix of ground floor and there are offices and flats on upper levels. The northern part of Reform Street has a higher percentage of Class 2 uses with some shops.
- Policy 34 of the Dundee Local Plan Review 2005 seeks to protect the shopping functions and complementary uses in the City Centre Retail Core which includes this site. The policy states that subject to detailed consideration, some banks and building societies may be acceptable but other Class 2 uses will not be acceptable. The application fails to comply with Policy 34 of the Dundee Local Plan Review 2005.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing amusement arcade to a betting shop. There are no proposed alterations to the building, the application is only in respect of the use. The amusement centre is a "sui generis" use and a betting shop is a Class 2 use.

SITE DESCRIPTION

The unit lies on the west side of Reform Street, close to its junction with Bank Street. There is a large public house to the north and shops to the south with offices on the upper levels. There are shops and an amusement arcade on the east side of the street with offices and flats above. To the rear lies the multi storey car park accessed from Bank Street. Reform Street is a busy part pedestrianised street which leads directly on to High Street and City Square. The southern, pedestrianised area which contains this site is characterised by a mix of ground floor uses including Class 1 retail uses, Class 2 uses including building societies, Class 3 restaurant/cafe uses one of which has a large take away function and two existing amusement facilities. The northern part of the street has a higher percentage of Class 2, building society uses.

The unit has a traditional shop front with central doorway.

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

The following policies are of relevance:

Policy 34 - City Centre Retail Core.

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.

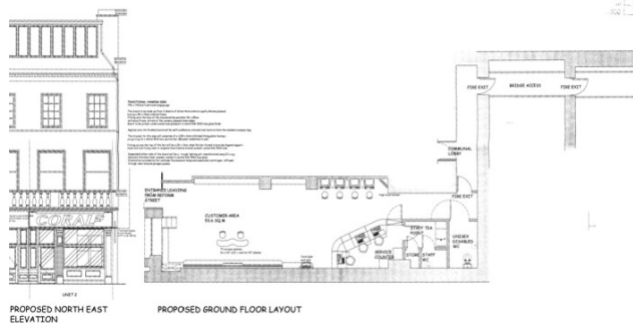
SUSTAINABILITY ISSUES

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

SITE HISTORY

Planning permission for change of use from shop to amusement centre was granted subject to conditions on 25/09/2000 (ref D24666). Consents for alterations to the listed building and the installation of illuminated signage in association with this new use were also approved in 2001.

A planning application for the change of use from the amusement centre to a betting shop was refused by the Development Quality Committee on 31 January 2005 on the grounds that the development was contrary to Policy 34 of the Finalised Dundee Local Plan Review 2003.



A further planning application was refused by the Development Quality Committee on 31st October 2005 on the grounds that the development was contrary to Policy 34 of the Finalised Dundee Local Plan Review 2005.

There is no appeal history for the site.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and one objection was received from a consultant on behalf of commercial clients within the city centre on the grounds that there is no change in circumstances since the previous application was refused and that the

application is contrary to Policy 34 of the Dundee Local Plan Review 2005. Members will have already had access to the Objection. The objection will be discussed in the Observations Section below.

CONSULTATIONS

No adverse comments have been received from any of the 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.

Dundee Local Plan Review 2005

Policy 34 refers to the City Centre Retail Core and this site is identified within that Core. Dundee is now ranked as one of the top three shopping destinations in Scotland and the plan seeks to ensure that the shopping function continues to expand. The policy 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 the 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 which will result in the loss of ground floor retail uses other than to Class 3 uses. The policy goes on to consider the acceptability of banks and building societies geared towards shoppers but will not accept other uses within Class 2.

The proposed use is Class 2 and therefore, in principle, the use is not acceptable.

Limited Class 2 uses as detailed may be acceptable but other Class 2 uses are not. This is an unacceptable Class 2 use. The current use of the site is a sui generis amusement centre but it has

the appearance of a retail shop and if an alternative use is proposed in this particular location, it should be either Class 1 or Class 3 in accordance with the policy. The change of use proposed will prevent the site becoming available for an acceptable use which would help to support the retail functions of the City Centre. It is considered that the proposed change of use is contrary to Policy 34.

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

Other Material Considerations

Objections

One objection was submitted on behalf of neighbouring commercial properties within the city centre. The objection is on the grounds that there is no change in circumstances since the previous application was submitted to and refused by the City Council and that the application is contrary to Policy 34 of the Dundee Local Plan Review 2005. The application has been discussed in relation to this policy above and is found to be contrary. The views of the objector in this instance are therefore upheld.

Design

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

CONCLUSION

The proposed change of use does not comply with the relevant policy in the Development Plan. There are no material considerations of sufficient strength to support approval. Accordingly the application is recommended for Refusal.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reason:

Reason

- 1 The proposed change of use is contrary to Policy 34 of the Dundee Local Plan Review 2005 as the use would be an unacceptable Class 2 use in the City Centre Retail Core. There are no material considerations of sufficient strength to support the granting of planning permission contrary to that policy.