

**KEY INFORMATION**

**Ward** Bowbridge

**Proposal**

Change of Use of 2 Retail Units to Betting Office

**Address**

77 & 79 Strathmartine Road  
Dundee  
DD3 7RY

**Applicant**

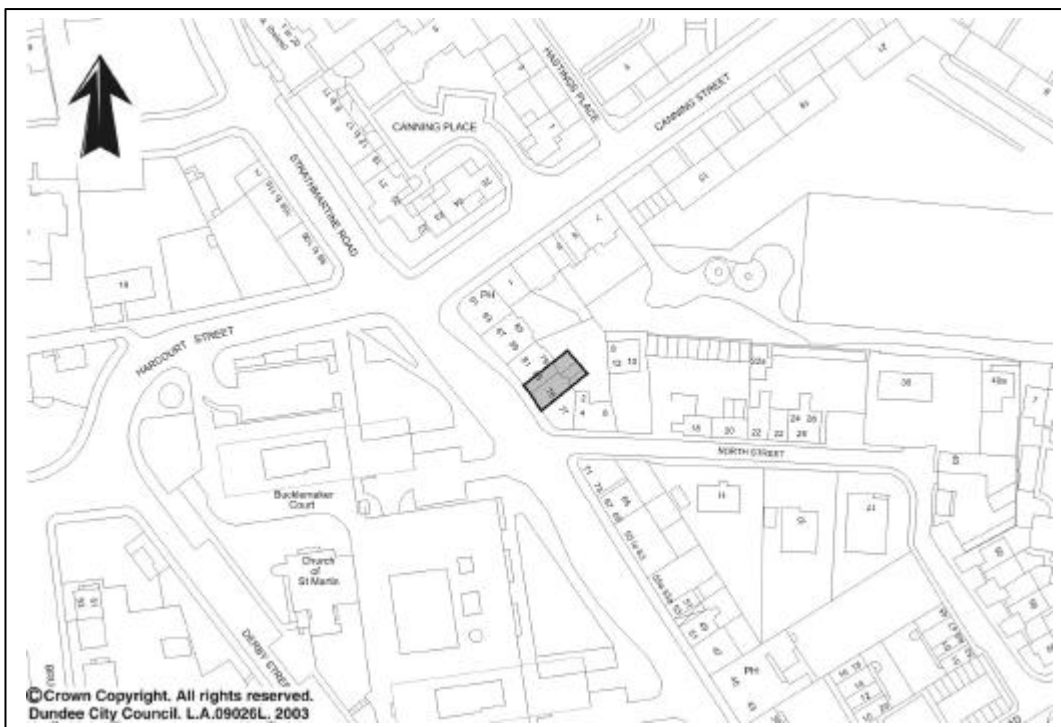
Ladbrokes Plc  
28 La Porte Precinct  
Grangemouth  
Stirlingshire  
FK3 8BG

**Agent**

Richard Raper Planning Ltd  
82A Otley Road  
Headingley  
Leeds  
LS6 4BA

**Registered** 6 July 2006

**Case Officer** S Johnson



## Proposed Betting Office in Strathmartine Road

A Change of Use of 2 retail units to betting office is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal complies with the development plan and planning conditions can ensure that noise levels are kept to an acceptable level. Therefore the application is recommended for **APPROVAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for the change of use two retail units to a betting office at 77 and 79 Strathmartine Road, Dundee. The site is located within the Hilltown District Centre outwith the core area within a parade of retail units with residential properties on the upper floors.
- One letter of objection was received from a surrounding neighbour on the grounds of increased noise, opening times and people smoking below the residential property.
- Policy 40 of the Dundee Local Plan Review 2005 is relevant to the determination of application as this policy allows a certain amount of flexibility in the types of uses which can be accommodated outwith the core area.
- The proposal complies with the provisions of the development plan and the concerns of the objector are not sufficient to justify a refusal of planning permission.

**DESCRIPTION OF PROPOSAL**

Planning permission is sought for the change of use from two retail units to a betting office. The applicant wishes to establish the principle of change of use only. Although changes will be required to the shopfront and signage these will be applied for at a later date, once the principle of a change of use has been established. Therefore the rear extension shown on the plans are for information only and will be applied for separately.

Ladbrokes are the present occupiers of the adjacent property at 75 Strathmartine Road and 2-4 North Street (75 Strathmartine Road was the subject of a planning application (06/00447/FUL) for the refurbishment to the shopfront and extension to the shop which was approved in June 2006 as a delegated report).

One of the existing retail units in the application site will relocate to an empty unit nearby whilst the other is to take the existing Ladbrokes unit once the company has relocated. In this way there will be a rearrangement of uses in the parade and no net change.

**SITE DESCRIPTION**

The application site is located on the east side of Strathmartine Road within the Hilltown District Centre. This is a mixed use area with a parade of retail units (which include; Ladbrokes, Patersons, a roll shop, a vacant unit, a newsagents and public house) along the ground floor of the four storey tenement block with residential properties on the three floors above. This is one of the main arterial routes into and out of the City. There is a bus stop immediately outside the units involved.

**POLICY BACKGROUND**

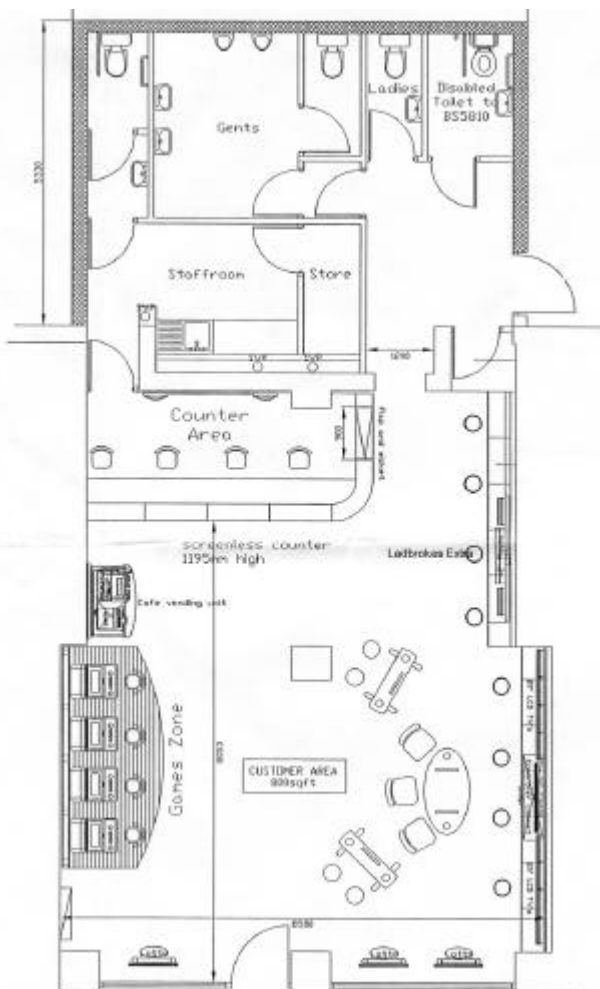
**Dundee and Angus Structure Plan 2001-2016**

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

**Dundee Local Plan Review 2005**

The following policy is of relevance:

Policy 40 District Centres Outwith Core Areas. This policy permits a wider range of uses in areas outwith the core area. These uses could include non retail services such as banks, other financial services, betting shops, estate agents, doctors and dentist's surgeries which one would expect to find within shopping areas.



**Scottish Planning Policies, Planning Advice Notes and Circulars**

The following policy is relevant to the determination of this application:

SPPG8 Town Centres and Retailing sets out the framework for protecting town centres and retail developments. 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).

**Statements of Council Policy**

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

**LOCAL AGENDA 21**

Key Theme 7 is relevant and seeks that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. Given the location and nature of the proposed operation it is considered that Key Theme 7 would be achieved.

**SITE HISTORY**

The following is of relevance to this application:

Unit 77 has had a number of building warrants approved between 1960-87 for alterations and extensions to the shop.

Unit 79 had an application (Application Reference 97/22949/D) approved for the change of use from a shop to a shop with a hot food takeaway.

**PUBLIC PARTICIPATION**

The applicant carried out the statutory notification of neighbours and one letter of objection was received from a surrounding neighbour. The main concerns of the objector are:

The associated noise and opening times.

People standing smoking below the objector's front windows.

Copies of the objection are available for inspection in the Members' Lounges and the issues are discussed in the "Observations" section below.

**CONSULTATIONS**

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

**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 is located within the Hilltown District Centre but outwith the core area which means there is a certain amount of flexibility in the types of uses which can be accommodated. Policy 40 allows for changes from shopping use to other wider non retail services such as banks, other financial services and betting shops. As this site is outwith the core area there are no restrictions on the type of frontage that can be created. The plans for this application indicate that the two display windows will have some sort of advertising boards displaying details relating to the Lotto.

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:

### (A) The Views of the Objector

The objector is concerned about the increased noise levels and opening hours as a result of this development, as well as patrons smoking at the entrance under his dwelling. This development is located within the Hilltown District Centre where there are a range of different uses including a public house to the north of the parade and there is the existing bookmaker (Ladbrokes) to the south of this site. The proposed opening hours for this application are Monday to Sunday 10.00-22.00. These hours of operation are not unreasonable given the character of the area. With such a range of other uses in this parade it is considered that the relocation of the bookmakers to this site will not create any additional noise or create a significant increase in disturbance over that which exists at present.

It is felt that if Committee are minded to grant approval then the attachment of a condition relating to the control of any amplified noise within the building would lessen the noise impact to the residential properties above.

As this is a relocation of an existing use it is considered that this proposal is unlikely to have a detrimental affect on the residential amenity of the existing residential properties in terms of patrons smoking outside the premises.

### (B) SPPG8 Town Centres and Retailing

Government guidance is generally supportive of the proposed development.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission. It is therefore recommended that planning permission be granted with conditions.

## Design

The plans for this application illustrate a single storey extension to the rear of the property and the removal of the entrance door from no.77 where it is replaced with a large display window. There are no further details. As stated earlier the applicant wishes to establish the principle of change of use only. Consequently, there is no design issues associated with this development.

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## CONCLUSION

The proposal complies with development plan policy and planning conditions can ensure that the noise levels are kept to an acceptable level and that an open and active frontage is maintained.

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## 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 All amplified sound shall be so controlled as to be inaudible within the residential accommodation above.
- 3 Details of the design of the shopfront and the interior

layout which shall ensure that an active frontage with views into the premises will 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 To protect the residential amenity of adjoining occupiers.
- 3 In order to maintain the continuity of the shopping frontage in this retail area.