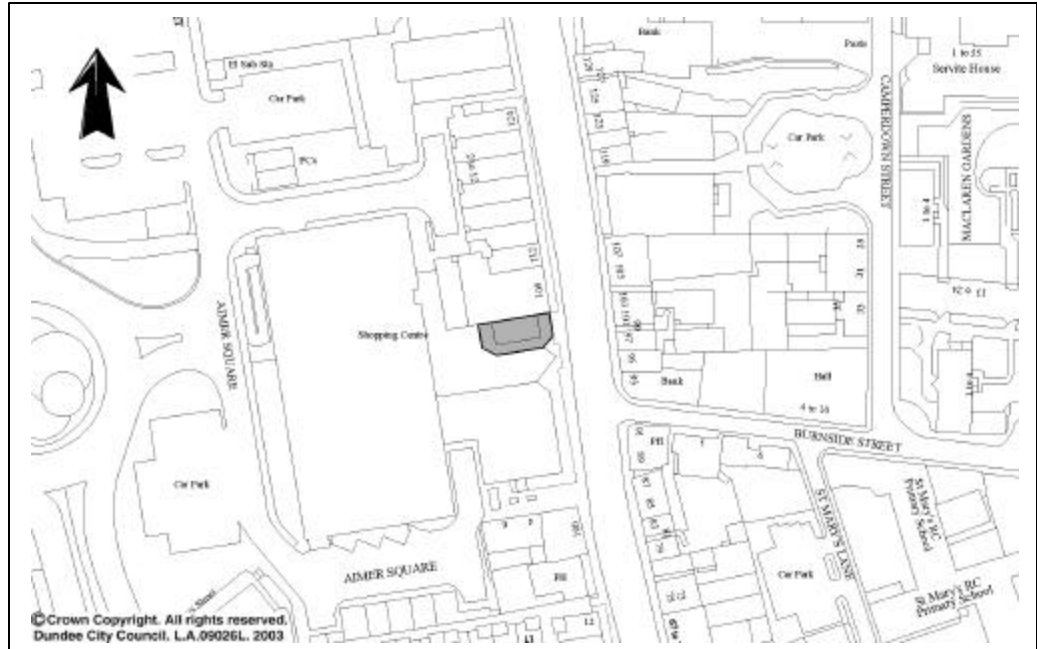


KEY INFORMATION**Ward** Lochee West**Proposal**

Change of use from Class 1 (retail shop) to Class 2 (betting office)

AddressUnit 4, Highgate Centre
102 High Street
Lochee
Dundee
DD2 3BL**Applicant**County Properties
(Northern) Ltd
c/o J & E Shepherd
13 Albert Square
Dundee DD1 1XA**Agent**James Richardson
J & E Shepherd
13 Albert Square
Dundee DD1 1XA**Registered** 12 Feb 2004**Case Officer** Eve Jones

Proposal for Betting Office in Highgate Centre, Lochee

The change of use from Class 1 (retail shop) to Class 2 (betting office) is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposal does not comply with Policy S17 of the Dundee Local Plan which seeks to retain shopping or restaurant/café uses within the retail core area of Lochee or with Policy 39 of the Finalised Dundee Local Plan Review 2003 which has the same objective. There are no material considerations of sufficient strength to justify approval contrary to these policies. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for change of use of an existing vacant shop unit to form a betting office. The unit is to the north of the entrance to the Highgate Shopping Centre on the west side of the High Street, Lochee. The unit was formerly a video rental shop which is a Class 1 use.
- Policy S17 of the Dundee Local Plan 1998 seeks to protect the shopping core of Lochee by restricting the loss of Class 1 retail or restaurant/café uses at ground level within the identified retail core area. The policy is designed to retain vitality in important District Shopping Centres such as Lochee. The proposal does not comply with the policy.
- Policy 39 of the Finalised Dundee Local Plan 2003 reinforces this approach and seeks to restrict any non-conforming uses which will result in more than 1 in 5 units in a single frontage being occupied by uses other than Class 1 or restaurant/café. There are existing non-retail uses within this frontage. The proposal does not comply with this policy.
- The applicant's agent has submitted justification to the effect that the shopping centre is in a single ownership and should be considered to be a single frontage but it does not lie within the identified retail core area.
- It is considered that the unit's location immediately adjoining the entrance to the Highgate Centre and the requirement for betting offices to be screened from passers by will result in a significant loss of vitality to the shopping area which is unacceptable.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of a shop unit to form a betting office.

SITE DESCRIPTION

Existing vacant shop within modern development on west side of High Street Lochee.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Policy S17 - Retail Core Areas.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

The following policies are of relevance:

Policy 39 - District Centre Core Areas.

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.

LOCAL AGENDA 21

The proposal complies with Key Theme 4, local needs are met locally.

SITE HISTORY

02/00874/FUL planning permission was granted subject to conditions for elevational alterations to the existing shopping centre on 24 March 2003. A small extension to this unit within the shopping precinct was approved as part of this application.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as an application contrary to the Development Plan. No objections were received.



CONSULTATIONS

There were no adverse responses from consultees.

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.

Policy S17 - Retail Core Areas.

The policy states that proposals which result in the loss of shopping or other

Class 1 retail use or café/restaurant use at street level will not be acceptable:

- a where it is located within the retail core area of Lochee as defined in the appendix.

The policy is designed to retain life and vitality in shopping areas particularly important District Centres such as Lochee. Non-shopping uses are considered to diminish this vitality. The unit was a video hire shop which is a Class 1 use. The proposed use is Class 2 which does not fall within the allowed uses.

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

Other Material Considerations

The other material considerations to be taken into account are as follows:

Finalised Dundee Local Plan Review Policy 39 - District Centre Core Areas. The policy states that proposals which result in the loss of shopping or other Class 1 retail use or café/restaurant use at street level will not be acceptable where it is located within the retail core

area of Lochee as defined in the appendix and would result in more than one in five units in a single frontage being occupied by uses other than shops, restaurants and cafes.

In the single frontage to High Street between the access to the Highgate centre and the pedestrian pend to the rear car park, the uses are as follows. Six individual shops, a vacant shop with permission as a sunbed centre and a betting shop. Of these 8 shop units, 2 are not in conforming uses ie the betting shop and the single unit with permission to change to a sunbed centre. The change of use the subject of this application will increase the non retail or restaurant/café's in this frontage beyond the permitted ratio. The proposed use is not an acceptable use under the terms of the policy.

The applicants agent has submitted supporting justification to the effect that the proposed use of this unit for a betting shop is the first phase of this redevelopment but that the owners of the building are not yet in a position to proceed with the remainder of the

redevelopment. However they contend that if the shopping centre is redeveloped, it will comprise 14 units and request that the shopping centre which is under a single ownership should be defined as a single frontage under the terms of Policy 39. The Shopping Centre is not identified as being within the Core Frontage and an internal mall cannot be considered to be a single frontage on the basis of ownership. This justification cannot be supported for the following reasons.

The proposed betting office is located at the front doors of the mall and is a key location with shop windows on three sides to both the street and the mall. Betting offices are required to be screened from passers by and traditionally use picture displays. This ensures that the premises have no interest for passing shoppers and in such a prominent location this will significantly reduce the vitality of the street. It is considered that a unit in such a prominent location should be retained in appropriate uses as defined by the policy.

Design

There are no design proposals for this change of use application.

CONCLUSION

It is concluded from the foregoing that the proposal is contrary to policy in both the Dundee Local Plan and the Finalised Dundee Local Plan Review and that insufficient weight can be accorded to any of the other material considerations such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):

Reasons

- 1 The proposed change of use is contrary to Policy S17 - Retail Core Areas of the Dundee Local Plan 1998 as the use proposed does not fall within the acceptable Class 1 retail uses or restaurant/café uses as defined by the Plan for the core area of Lochee High Street. There are no

material considerations of sufficient strength to support the granting of planning permission contrary to the policy.

- 2 The proposed change of use is contrary to Policy 39 - District Centre Core Areas of the Finalised Dundee Local Plan Review 2003 as the use proposed does not fall within the acceptable Class 1 retail uses or restaurant/café uses as defined by the Plan. Furthermore, the use proposed would result in more than 1 in 5 units in a single frontage of the core area of Lochee High Street being in uses other than shops, restaurants and cafes.