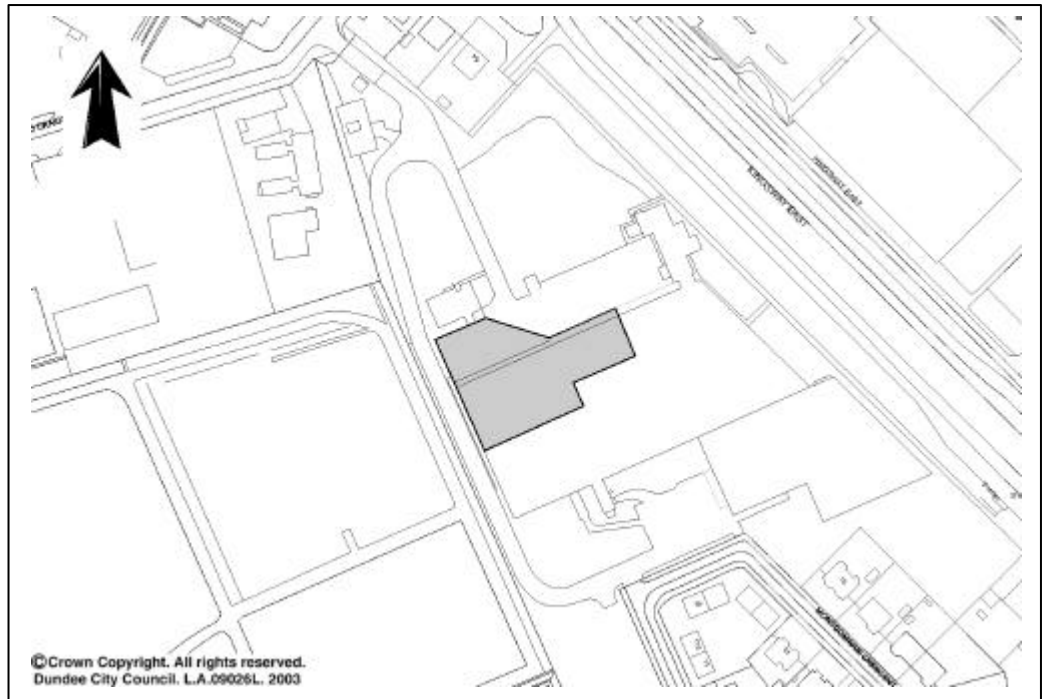


**KEY INFORMATION****Ward** Craigiebank**Proposal**

Change of use from vacant site to children's indoor play centre

**Address**Unit 2 Stewart House  
Kingsway East  
Dundee  
DD4 7RE**Applicant**Patrick Gannon/Caroline  
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By Dundee  
DD5 3UR**Agent****Registered** 1 December  
2004**Case Officer** J Finlay

## Proposed Indoor Children's Play Centre at Kingsway East

A Change of use from a vacant site to a children's indoor play centre is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposed development contravenes policies in the adopted and the Finalised Local Plans which relate to non industrial areas and the provision of major leisure developments in out of centre locations. It would also lead to pedestrian safety concerns. The application is, therefore, recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- Planning permission is sought for change of use from a vacant industrial unit to children's' play centre.
- Policies EU1 and LT7 of the Dundee Local Plan 1998 and Policies 26 and 18 of the Finalised Dundee Local Plan Review are relevant to the determination of the application.
- Three letters of objection were received from neighbouring residents stating concerns about traffic, access and parking issues.
- It is considered that the proposal is contrary to the policies in the Adopted and Local Plan Review as the site is allocated specifically for industrial use. There are no material considerations that would justify approval in these circumstances.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for change of use from a vacant industrial unit to children's' play centre. The floor area of the unit is 1500sqm. The proposed play centre will have a main play area, four party rooms, reception area, two offices, café area and associated toilet facilities. It will employ 8 full time and 20 part time staff members.

## SITE DESCRIPTION

The application site is located on the south west side of Kingsway East. It is a unit within a larger single storey industrial building which has been subdivided into numerous industrial and office units. There is a parking area adjacent and to the north of the main building. A small office suite is located to the north with associated parking further north again. There are houses to the north and south of the site.

## 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:

EU1: The site is allocated as a General Industrial Area

LT7: Major Leisure and Recreational Developments should be directed to the city centre, district centres and the existing leisure parks.

The proposal has been advertised as contravening both these policies.

Policy H1: Existing Residential Areas - developments are permitted where they do not adversely affect the environmental quality enjoyed by local residents.

### 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:

The policy framework is similar to the Adopted Plan. Policy 26 allocates the site as a General Economic Development Area, Policy 18 directs major leisure uses to the city centre, district centres and the existing leisure parks and Policy 1 protects residential amenity.

## Scottish Planning Policies, Planning Advice Notes and Circulars

Planning Advice Note 66 provides advice on minor developments affecting trunk roads. It advises that it



will be necessary to refer the application to the Road Network Management and Maintenance Division (RNMMMD) if the development is within 67m of the nearest trunk road or includes the formation, laying out or alteration of any means of access to the trunk road. The proposed development is approximately 66m from the trunk road and does not include the alteration or formation of a new access road. RNMMMD were consulted and they confirmed that they do not require the application to be referred to them.

## Non Statutory Statements of Council Policy

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

## LOCAL AGENDA 21

The proposed development reuses an existing vacant building and to this extent is considered to be sustainable.

## SITE HISTORY

A planning application for change of use to a community youth centre including various activities and refreshment area was withdrawn on 12.8.97.

## PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised as contravening Policies EU1 and LT7 of the adopted Local Plan. 3 letters were received from the occupiers of nearby dwellings stating concerns about the proposed development. The concerns of the objectors relate to an increase in traffic volumes, conflicts with industrial traffic, increased noise from the premises, increased litter, loss of privacy and the safety of children travelling to and using the parking area for the proposed play centre.

Copies of all these letters are available for inspection in the Members Lounges and the issues raised are considered in the Observations Section of this Report.

## CONSULTATIONS

No adverse comments were received from statutory 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 EU1 seeks to ensure that there is a continuous supply of land for

business and industrial use through protecting established industrial areas from incompatible development. The proposed development is for a leisure use of some 1,500 square metres within the general industrial area and the development therefore contravenes Policy EU1 as the retention of buildings for business and industrial use is necessary.

Policy LT7 states that proposals for major leisure developments should be located in the identified leisure parks, the city centre or district centres or on adjacent sites. The site is not easily accessed by public transport and most visitors would have to travel by private car, which is contrary to the Policy. The applicant provided some further details and information in support of the application. This included details of other sites which were considered at Douglasfield and Stack Leisure Park, West Pitkerro Industrial Estate and Claverhouse Industrial Estate. Further details of the information submitted by the applicant is outlined below. This information is not considered sufficient to justify approval of the application when it is contrary to the development plan.

Policy H1 protects residential amenity. Local residents are concerned, amongst other things, about traffic generation, safety of children and noise from the premises. The building is over 100 metres from the nearest houses, although traffic has to pass the houses to get into the industrial area. It is considered that the traffic generated would not be any greater than that which is generated from an industrial area. The unit is located far enough away from the nearest houses to prevent the escape of noise. It is considered that there is an issue regarding the safety of children due to the conflict with industrial traffic using the same access and parking areas.

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

The policies in the Finalised Local Plan are similar to those in the Adopted Local Plan and therefore the

proposed development fails to comply with Policies 26 and 18 for the same reasons as it fails to comply with Policies EU1 and LT7 of the adopted Local Plan (and equally complies with Policy 1 of the Finalised Plan).

## Letter of Support from Applicant

### Traffic and Egress

The applicant indicates that access onto the site is from Kingsway East via a roundabout and this ensures efficient access and egress without any undue effect on the present traffic levels on the Kingsway. Once into the site there is a 5mph speed restriction and there is no reason for heavy goods vehicles to approach the same side as Unit 2 of Stewart House. All the businesses with industrial access requirements are located on the opposite side of the building and have a separate access. In response to this, the Council would argue that the entire site is specifically allocated for industrial use. Although the units adjacent to unit 2 may not be used for heavy industry at present, they may at any time be used as such without requiring planning permission. This will lead to conflicts with the users of the proposed unit and lead to pedestrian safety problems.

### Parking

The applicant has indicated parking for 50 vehicles to the front of the premises. They also indicate that there is further parking for 60 cars in front of Office Suite 2 to the north. It is considered that adequate parking is provided for the proposed use in terms of compliance with the Council's recommendations for parking for this proposed use. However the conflict with industrial traffic poses a potential safety problem.

### Alternative Sites

The applicant considered two units at Douglasfield. Both units have numerous metal supports from ceiling to floor running the whole length of the building and there is not enough ceiling height for the equipment. There is a health and safety issue with young children running around and they may fall onto metal supports.

Stack Leisure Park has been considered on several occasions and the applicant concludes that the business venture would not be viable at

this location. Other businesses have moved out of this area.

Premises at West Pitkerro and Claverhouse Industrial Estates have been considered but are not considered suitable.

### Suitability of Premises as Play Centre

The applicant indicates that the unit has been vacant for 7 years. The immediate surrounding area is no longer of an industrial nature and is slowly evolving into retail and office use. It is ideally suited for use as a Children's' Play Centre due to the layout, building height and parking. It is also well situated with excellent access and egress. The main business will be at weekends and during school holiday periods and the applicant considers this will limit any potential conflict with industrial traffic.

## Objections

As previously discussed, it is not considered that the proposed development will attract higher volumes of traffic than the industrial area. The impact of the proposed development on residential amenity will not be so adverse to justify the refusal of planning permission. However the relationship between the proposed children's play centre and the adjoining industrial units is likely to lead to difficulties. There are other industrial units adjoining the application site and associated parking in front. It would be inappropriate to have this development and its associated car park adjacent to other industrial units where there will be light industrial traffic travelling along the same access road. This type of relationship is likely to lead to pedestrian safety problems and it is not possible to separate the unit and car park from the other industrial uses.

It is concluded from the foregoing that insufficient weight can be accorded to any of the 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.

## Design

This is a change of use application where no elevational alterations to the building are proposed so there are no design issues to be considered at this stage.

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## CONCLUSION

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The proposed development contravenes policies EU1 and LT7 in the adopted Local Plan and policies 26 and 18 of the Finalised Plan which relate to non industrial/business development in industrial areas and the provision of major leisure developments. There are no material considerations that would justify approving the proposed development contrary to the policies in the adopted Local Plan. It would also lead to pedestrian safety conflicts between users of the proposed facility and light industrial traffic connected with the adjoining industrial units.

establish a non industrial use outwith Classes 4, 5 and 6 in a General Economic Development Area.

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## RECOMMENDATION

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It is recommended that planning permission be REFUSED for the following reasons:-

### Reasons

- 1 The proposed development would contravene Policy EU1 of the adopted Dundee Local Plan 1998 because it would establish a use other than an industrial or business use in a designated General Industrial Area and there are no material considerations that would justify the approval of the development contrary to the provisions of the Development Plan.
- 2 The proposed development would contravene Policy LT7 of the adopted Dundee Local Plan 1998 because it would establish a major leisure use in a new out of centre location which has not been allocated under the terms of that policy and there are no material considerations that would justify the approval of the development contrary to the provisions of the Development Plan.
- 3 The proposed development would contravene Policy 18 of the Finalised Dundee Local Plan Review because it would establish a major leisure use in a new out of centre location which has not been allocated under the terms of that policy.
- 4 The proposed development would contravene Policy 26 of the Finalised Dundee Local Plan Review because it would