

Change of Use from Retail use (Class 1) to a Health & Fitness Club (Class 11) with Associated Alterations

KEY INFORMATION

Ward East End

Address
Retail Warehouse
Milton Of Craigie Retail Park
Milton Of Craigie Road North
Dundee

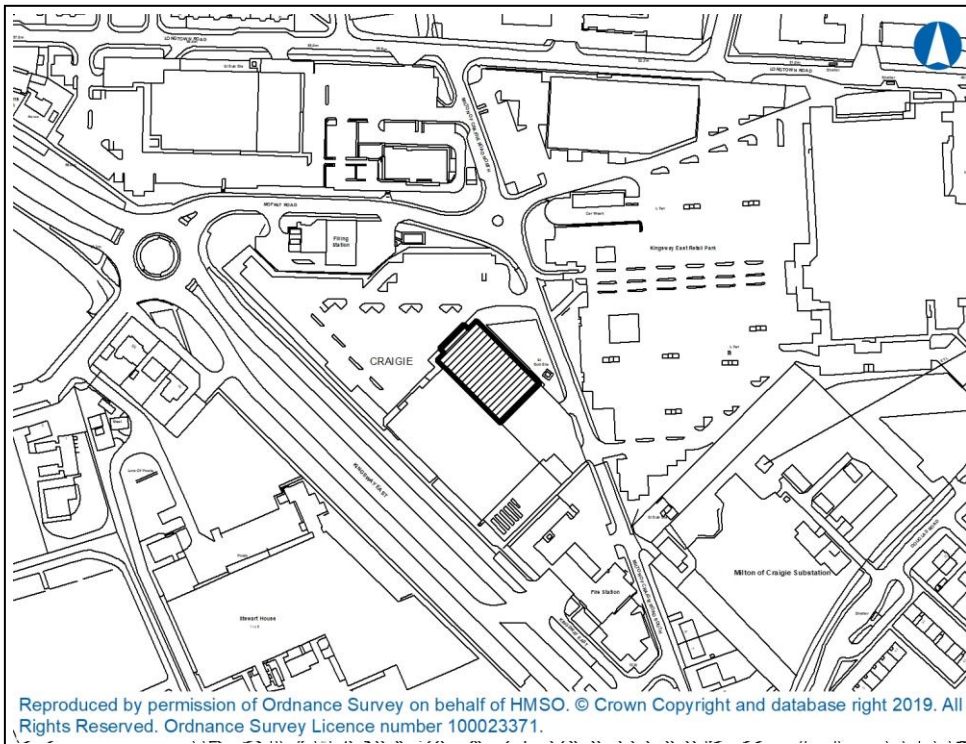
Applicant
JD Sports Fashion Plc

Agent
Savills (UK) Limited

Registered 09 March 2020

Report by Head of Planning & Economic Development

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for a change of use of a retail warehouse at Milton of Craigie Retail Park from retail use (Class 1) to a health and fitness club (Class 11) with associated alterations.
- The application site is located within Milton of Craigie Retail Park, a designated Commercial Centre.
- The application is in accordance with the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 94 letters of objection and 2 letters of support have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee as more than 6 valid objections have been received.
- More details can be found at <http://idoxwam.dundeeccity.gov.uk/idoxpa-web/applicationDetails.do?keyVal=Q68YFIGCI5R00&activeTab=summary>

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application site, a retail unit at Milton of Craigie Retail Park, is presently occupied by a Harry Corry store. The application site contains one of two retail units which are located in the south west of the retail park towards A972 Kingsway East.
- 1.2 The application seeks planning permission for the change of use of a retail unit at Kingsway East Retail Park, to a health and fitness club (Class 11). The proposal is for the building to accommodate a health and fitness club across a ground floor extending up into a proposed new build mezzanine first floor.
- 1.3 The applicant states the health and fitness centre would provide for the low-cost gym market. The proposed site has been chosen as it can meet the operational requirements in relation to its accessibility and the provision of a large open floorspace. The applicant proposes to configure the floorspace in a manner which allows for various exercise spaces and equipment to be provided including a running track, cardio areas, free weights areas, boxing area, studios, ladies gym, spin facilities, burn and tone gym activities and changing rooms.
- 1.4 The applicant has submitted the following in support of the application:
 - Planning & Sequential Assessment; and
 - Transport Statement.

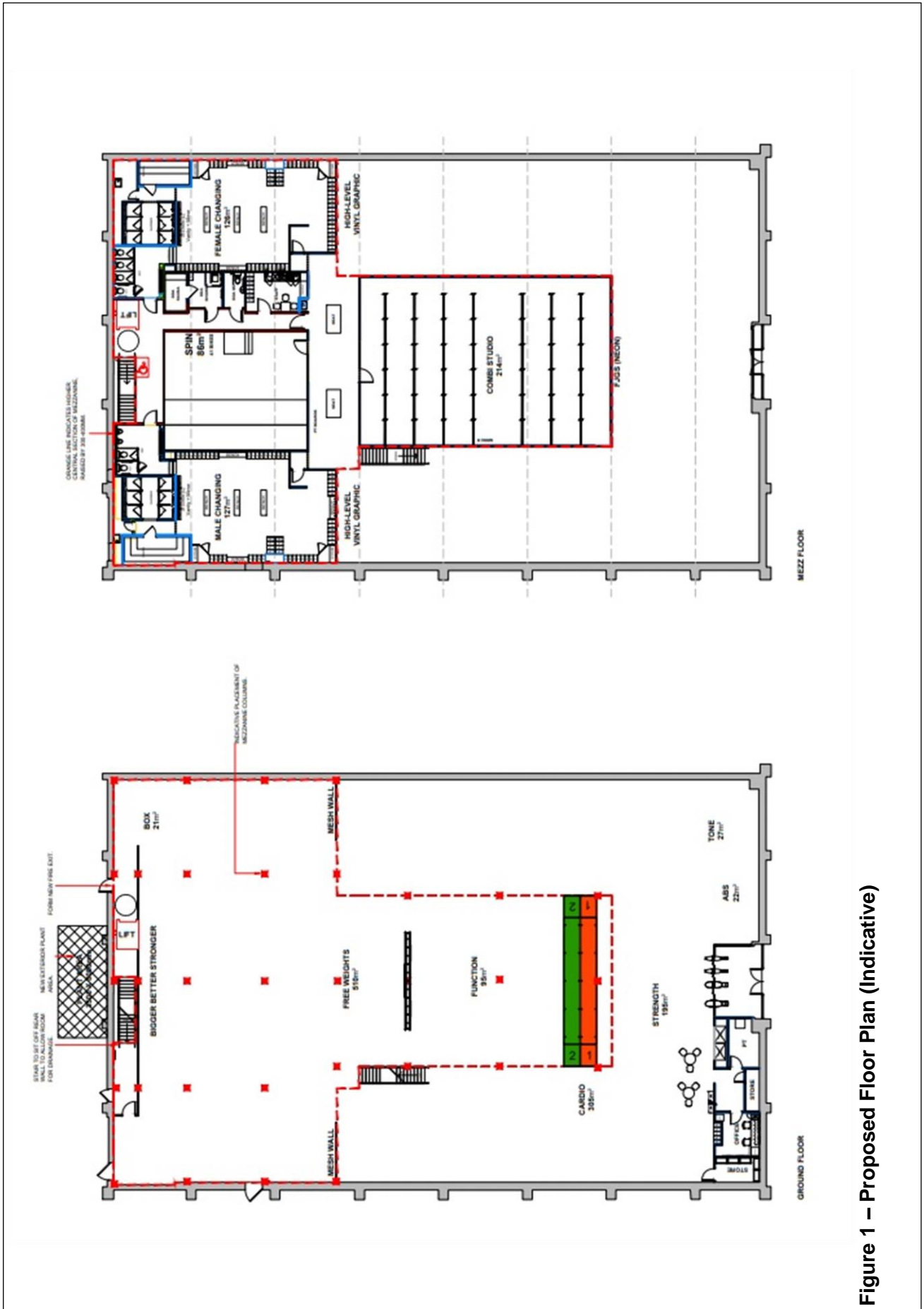


Figure 1 – Proposed Floor Plan (Indicative)

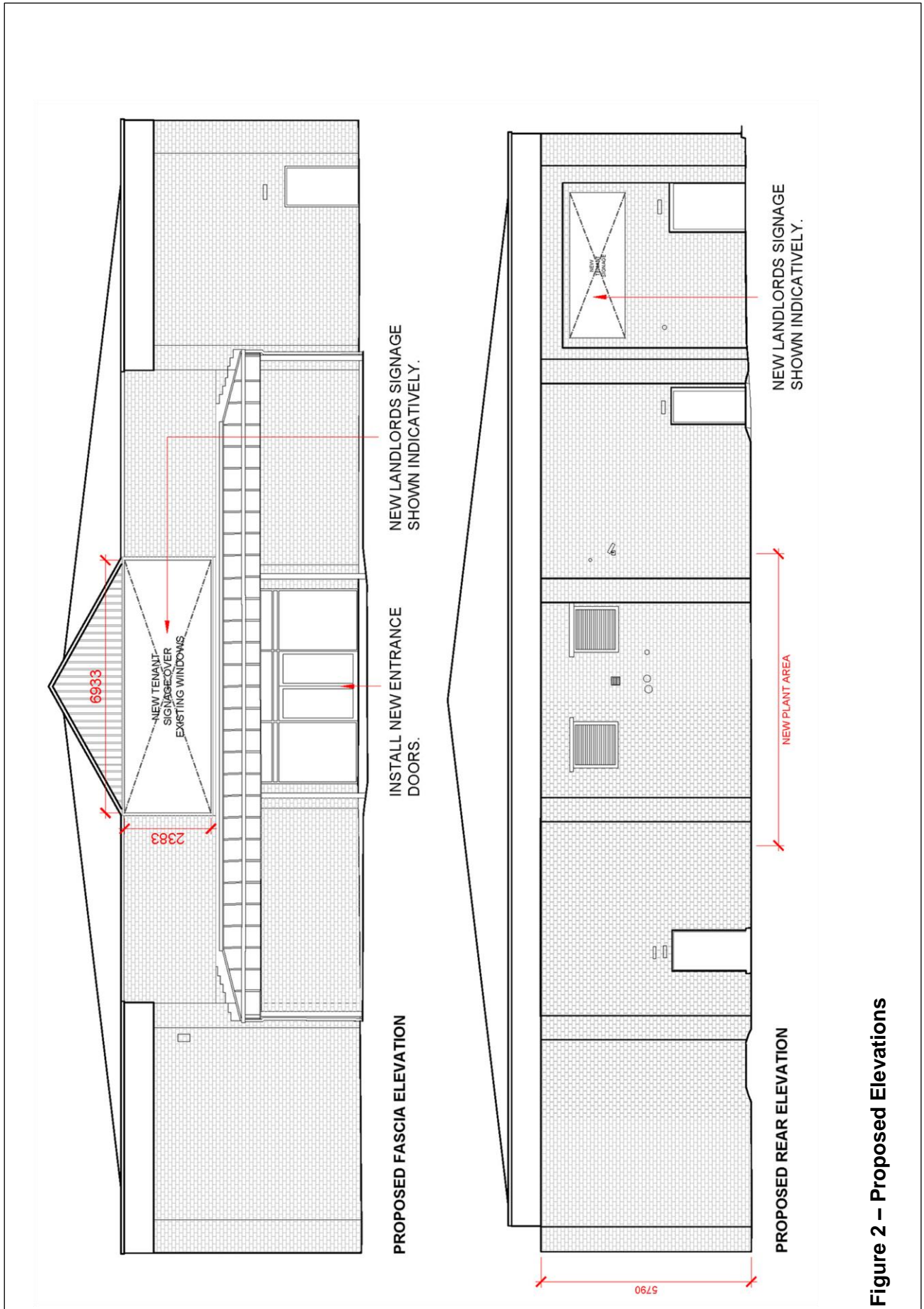


Figure 2 – Proposed Elevations

2 SITE DESCRIPTION

- 2.1 The application relates to an existing retail unit located within the Kingsway East Retail Park, adjacent to the A972 Kingsway East.
- 2.2 The existing property has a footprint of 1,328m². The main entrance is to the north elevation, with fire exits to the east elevation. There is an existing 228 space car park to the north of the building, which the application site shares with the neighbouring retail unit. The unit is finished in light buff brick with red profiled metal cladding to the roof and sections of glazing to the front elevation and entrance.
- 2.3 Surrounding land uses are commercial and residential, with a mix of retail uses within the Kingsway East Retail Park and residential areas to the north, south and east of the site. The application site is contained within the Kingsway East Commercial Centre on the Dundee Local Development Plan 2019 Proposals Map.

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

SCOTTISH PLANNING POLICY

- 3.2 Scottish Planning Policy (2014) states development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities.
- 3.3 This requires that locations are considered in the following order of preference:
- town centres (including city centres and local centres);
 - edge of town centre;
 - other commercial centres identified in the development plan; and
 - out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.
- 3.4 Planning authorities, developers, owners and occupiers should be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they are intended to serve.
- 3.5 Out-of-centre locations should only be considered for uses which generate significant footfall where:
- all town centre, edge of town centre and other commercial centre options have been assessed and discounted as unsuitable or unavailable;
 - the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;

- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

TAYPlan 2016-2036

Policy 5: Town Centres First

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 7: Tourism and Leisure Developments

Policy 24: Goods Range and Unit Size Restrictions

Policy 39: Environmental Protection

Policy 54: Safe and Sustainable Transport

Policy 56: Parking - Developments Outwith City Centre

- 3.6 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Planning application 08/00796/FUL for the erection of 2.4m High Palisade Fencing Incorporating 2 no. Sets of Service Yard Gates and 1 no. Pedestrian Gate was approved in December 2008. Advertisement Consent (04/00208/FUL) for the erection of an illuminated sign was allowed at appeal.
- 4.2 Planning application 13/00310/FULL sought, under Section 42 of Town and Country Planning (Scotland) Act 1997 as amended to vary Condition 2 of D13779 to allow for the sale of both food and non-food retail (Class1) from unit 1 and the supermarket. This application was refused in October 2013. Subsequently, the applicant submitted and appeal to the DPEA which was upheld, and planning permission was granted in July 2014.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.2 94 objections have been received raising the following valid material grounds
- the proposal is considered contrary to Local Development Plan policy;
 - additional traffic associated with the proposed gym would have a detrimental impact on road congestion and pedestrian safety;
 - There is an overprovision of gyms within the city; and
 - The proposal would have a detrimental impact on residential amenity.
- 5.3 The letters of objection also raise matters in relation to the commercial market and potential impacts of competition between businesses, with representations referring to an existing gym within the east of the city. However, competition between businesses is not a valid material planning consideration.

- 5.4 Two letters of support for the planning application have been received, including a letter from Dundee Civic Trust, raising the following valid material planning considerations:
- 5.5 The proposed development would contribute to the range of fitness offerings within the city. The proposed use of a retail unit is considered to reflect the overprovision of shopping floorspace within the city, including at retail parks such as Kingsway East. The proposed use would be a positive alternative to having an otherwise empty building. The proposal would also reflect the need to resist further retail developments out with existing centre. The policy of Town Centres First must be adhered to in order to protect the vitality of the city centre and district centres such as Lochee, the West End and Broughty Ferry.

6 CONSULTATIONS

- 6.1 **Head of Community Safety and Protection** – has been consulted on noise matters. Due to the nature of the proposed development, and the proximity of existing housing and an approved housing development adjacent to the site on Kingsway East, planning conditions are recommended to control noise associated with music, equipment and deliveries.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

TAYPLAN 2016 – 2036

- 7.2 **Policy 5: Town Centres First** - this policy requires Local Development Plans to identify a network of centres based on the sequential priority from Scottish Planning Policy. Planning decisions for land uses that generate significant footfall should be based on the Scottish Planning Policy sequential town centre first approach to protect and enhance the vitality, viability and vibrancy of city/town centres.
- 7.3 In accordance with Scottish Planning Policy and the Strategic Development Plan's "town centre first approach" the City Centre and District Centres are the preferred locations for uses that generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities.
- 7.4 Proposals for such uses in other locations will only be acceptable where it can be established that no site is available, in the first instance, within the City Centre or District Centres then, edge of town centre and then, Commercial Centres identified in the Local Development Plan, and then out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.
- 7.5 The proposal is for a commercial leisure use within the Milton of Craigie Retail Park, a commercial centre identified in the Dundee Local Development Plan 2019. As the proposal

would generate significant footfall a sequential assessment has been undertaken by the applicant's agent. The applicant has identified the east of the city as the catchment area for the proposed health and fitness centre, and undertaken a sequential assessment based on a 5-minute drive time to the application site. The identified catchment area includes residential areas and work places within which customers would live and work.

- 7.6 The applicant has considered within the sequential assessment and supporting information the availability of sites and premises within the identified catchment area. The assessment has not identified any sequentially preferable sites in the surrounding area, including Albert District Centre or Douglasfield Leisure Park.
- 7.7 The location within the commercial centre is sequentially preferable to an out-of-centre location and the proposal is therefore in accordance with Policy 5.

DUNDEE LOCAL DEVELOPMENT PLAN 2019

- 7.8 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the six qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.9 The proposal includes minor alterations to the existing shopfront. The alterations include replacement of the entrance door, removal of existing signage boards upon the front elevation and removal of part of the existing glazed canopy within the shop front. The proposed entrance doors are of a similar scale and form to existing, whilst providing a modern finish appropriate to the retail unit. The removal of existing advertisement boards and part of the glazed canopy would have no detrimental impact upon the appearance of the frontage. The applicant proposed to replace two existing signs within the front and side elevations of the building, however details of the signage are not provided. Any proposed signage would be considered as part of a separate application for advertisement consent.
- 7.10 The proposed minor alterations to the shopfront, including replacement entrance doors have been sensitively designed to ensure the changes contribute positively to the character of the site and enhance the existing shopfront.
- 7.11 **The proposal is in accordance with Policy 1.**
- 7.12 **Policy 7: Tourism and Leisure Developments – b) Leisure Developments** – this states that proposals for major leisure uses will be directed firstly towards the City Centre and the District Centres followed by the existing leisure parks at Douglasfield and Camperdown and to The Stack to support its continued redevelopment. Proposals for leisure developments outwith these locations will only be acceptable where it can be established that:
- 1 no suitable site is available, within and thereafter on the edge of the City Centre or District Centre or within the existing leisure parks;
 - 2 individually or cumulatively it would not prejudice the vitality or viability of the City Centre or District Centres;
 - 3 the site is readily accessible by modes of transport other than the car; and

4 activity-specific issues indicate that this is impractical.

7.13 The proposal is for a major leisure use. The applicant's supporting document states that the size of the unit and internal heights required are dictated by the proposed concept for a number of different gym activities within a single unit which requires a large floor area.

7.14 The statement notes that the prospective building must therefore fulfil a set of requirements which comprise:

- the building will require to provide a large open floor area;
- there should be good transport links to the site and parking facilities; and
- the site should provide a large open internal floor space.
- the site should be located within the east of city to serve the identified market area.

The height of the building would allow a mezzanine first floor to be created, ensuring the required internal floor area of 2,039 m² can be provided. Following assessment of sites within the surrounding area, the applicant has not identified any alternative sites which can provide the required level of internal floor space.

In respect of the policy criteria above:

7.15 **Criteria 1** – the Supporting Planning Statement includes a sequential assessment for a building to meet the requirements outlined above. The sequential assessment considers District Centres and Leisure Parks within the east of the city, and outlines available premises. The assessment considers the vacant sites are unsuitable and that it would not be feasible to operate a low-cost gym of the scale required within any available premises within a sequentially preferable location. The supporting statement highlights that the application site provides a suitable unit in terms of size, but also in terms of a location with the associated infrastructure, transport links and car parking already in place.

7.16 **Response** – the Local Development Plan (paragraph 7.20), in line with Scottish Planning Policy, recognises that a flexible and realistic approach is required in applying the sequential approach to ensure that different uses are developed in the most appropriate locations.

7.17 As outlined in the supporting statement the scale of the building required is dictated by the nature of the proposal to house a wide range of gym activities in one unit. The sequential assessment confirms the limited availability of vacant units or sites of the scale required within a District Centre or Leisure Park in the east of the city. The proposal would ensure the continued use of a unit within an established commercial centre, which is preferable to locating the use outwith the network of centres as identified in the Local Development Plan. The proposal is also in line with Scottish Planning Policy's "Town Centre First Principle". The proposal meets the requirements of Criterion 1.

7.18 **Criteria 2** – the Supporting Planning Statement considers that the proposed use is not a competing retail use and as it is located within an existing commercial centre would not result in a detrimental impact on the vitality or viability of the sequentially preferable district centres and leisure parks. Kingsway East is predominantly retail provision and is protected by policies within the Local Development Plan. Kingsway East is a commercial centre and a sequentially preferable location in the Local Development Plan after the City Centre and District Centres and the edge of town centre. The proposal would ensure the continued use of a commercial unit within a sequentially preferable location and create a complementary use for the wider site.

- 7.19 **Response** – the application site is in an established commercial centre. The proposed use is in a location and of a scale which would not significantly alter the existing pattern of footfall in the area. It would not therefore individually or cumulatively prejudice the vitality or viability of the City Centre or District Centres. The proposal meets the requirements of Criterion 2.
- 7.20 **Criteria 3** – the Transport Assessment highlights that the site is within an established retail park which is well connected to existing adopted footways, leading onto Kingsway East, Longtown Road and Douglas Road. The site is also accessible by bicycle and is well served by public transport with bus stops located within 400 metres of the site.
- 7.21 **Response** – the Transport Assessment demonstrates that the application site is easily accessible by a choice of sustainable transport modes. This is an established retail park with good links to the surrounding area. The proposal meets the requirements of Criterion 3.
- 7.22 **Criteria 4** – the Supporting Planning Statement outlines the concept proposed for a number and type of different leisure uses in one building. The sequential search was based upon sites within the east of the city, located within the applicant's market area, which can provide a large a floor area of around 2,000m². The floor area provided by the application site and location of the building within the east of the city meet the applicant's requirements. The supporting statement and supplementary information state any more sequentially preferable sites which are available within the east of the city would not provide the required floor area and are therefore impractical.
- 7.23 **Response** - the Supporting Planning Statement outlines the concept to accommodate a range of gym activities within the building. It sets out the requirements for a large warehouse type building and notes the height of the application site allows additional floor space to be provided within a mezzanine floor. It has been demonstrated that there are no sequentially preferable sites of the scale and type required within the east of the city which can accommodate the proposed use. It would therefore be impractical for the proposed health and fitness centre to be located in the City Centre, or a District Centre or Leisure Park. The sequential assessment demonstrates that there are no sequentially preferable sites available. The proposal meets the requirements of Criterion 4.
- 7.24 **The proposal is in accordance with Policy 7.**
- 7.25 **Policy 24: Goods Ranges and Unit Sizes Restrictions - Commercial Centres** – states the Commercial Centres at Kingsway East Retail Park, Kingsway West Retail Park, Gallagher Retail Park and The Stack Leisure & Retail Park shall be subject to the goods range and unit size restrictions set out in Appendix 6 of the Local Development Plan.
- 7.26 In relation to the proposal, the goods range restrictions set out in Appendix 6 do not apply. Appendix 6 states that *"No units with a gross floorspace of less than 1,000m² shall be created within any of the commercial centres through the development of new units; the subdivision of a unit; or the occupation by more than one retailer."*
- 7.27 In order to protect the established network of town centres it is recommended that should Members be minded to approve the application a condition is attached to any planning permission granted to control the subdivision and occupiers of the application unit in line with Appendix 6 of the Local Development Plan.
- 7.28 **The proposal is in accordance with Policy 24, subject to condition.**
- 7.29 **Policy 39: Environmental Protection** - states that all new development which would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New

development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.

- 7.30 The proposed health and fitness will include background music being played and customers attending gym classes which are led by fitness coaches. The Head of Community Safety and Protection has no objection to the proposals, which raise no concerns in relation to light or vibration.
- 7.31 With regard to noise, it is noted that there are residential properties to the south east and south west of the site. A residential development of 71 houses has also been approved to the west of the site on Kingsway East.
- 7.32 The proposed use would not raise any significant noise issues, however given the proximity of residential properties within the surrounding area, planning conditions are recommended to control noise related to music, delivery times and mechanical and electrical equipment. The conditions would ensure music is inaudible from surrounding houses, and that deliveries and the use of equipment during the night time period are controlled. Subject to the recommended conditions, the proposed use would not raise any significant issues in terms of impact on neighbouring land uses.
- 7.33 **The proposal is in accordance with Policy 39, subject to condition.**
- 7.34 **Policy 54: Safe and Sustainable Transport** – states that all development proposals* that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

*this includes the re-use of existing buildings.

- 7.35 A Transport Statement has been submitted. In respect of Criteria 1-3 above, the Transport Statement highlights that the site is within an established retail park which is well connected to existing adopted footways. The site is accessible by cycle and the applicant has submitted proposals for additional cycle parking immediately to the east of the site. The site is well served by public transport with bus stops located within 230 metres, on Douglas Road and Longtown Road. These stops are served by buses up to every 10 minutes between Douglas/Whitfield and the City Centre. The application site is very accessible to Dundee residents by virtue of its location within an established retail park and proximity to the Kingsway and frequent public transport provision.
- 7.36 In respect of Criteria 4-7, the Transport Assessment demonstrates that the proposal would not have a detrimental impact on the surrounding road network and there is adequate provision for road freight and waste access, loading and unloading as this is an established retail park.
- 7.37 The findings of the Transport Assessment are accepted.
- 7.38 **The proposal is in accordance with Policy 54.**
- 7.39 **Policy 56: Parking - Developments Outwith City Centre - Vehicle Parking** - this states all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. All parking facilities at commercial developments should include the provision of charging stations for electric vehicles.
- 7.40 The Supporting Planning Statement confirms that a number of electric vehicle charging points will be installed in proximity to the unit, and has provided a proposed plan illustrating charging points within existing parking bays immediately to the north of the application building.
- 7.41 The proposed location of the charging points is acceptable in principle. In order to secure the installation of a number of electric vehicle charging points as part of the development it is recommended that should members be minded to approve the application a condition is attached to any planning permission granted.
- 7.42 **The proposal is in accordance with Policy 56, subject to a condition.**
- 7.43 **It is concluded that the proposal is in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

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

A - SUPPORTING INFORMATION

- 7.45 The Supporting Statement outlines the proposals, provides justification for the proposed location of the health and fitness centre and provides a sequential assessment of available sites within the east of the city.
- 7.46 With regard to the sequential assessment, the applicant states the target market of the proposed development is the east of the city. The applicant considers there to be demand for a low-cost fitness gym within areas surrounding the application site having reviewed existing provision across the city. The applicant has identified a market catchment area of being within a 5-minute drive time of the application site. The submitted sequential assessment therefore only considers available premises within the identified catchment. The assessment concludes

there are no premises of available within sequentially preferable locations, such as Albert District Centre or Douglasfield Leisure Park which can provide the floor space required to operate the proposed health and fitness centre. It is therefore considered that through the submitted assessment it has been demonstrated that no alternative sites are available

- 7.47 The Supporting Planning Statement also outlines the social and economic benefits of the proposed development. The economic benefits to the area would include the continued use of a large commercial unit, increased footfall to the site and surrounding retail park, ensuring the city has a range of choice in the gym market and the creation of employment opportunities.
- 7.48 The occupier has identified that the proposal will create a minimum of 30 full-time jobs, including managerial staff, personal and fitness trainers and cleaning/security staff. The applicant considers the wages paid to staff would generate approximately £670,000 in earnings in the local economy per annum.
- 7.49 In addition, the proposed development will have a series of positive impacts including the facilitation of private sector investment, economic growth and job creation. Accordingly, it is considered to conform with one of the key objectives of the NPF which is to 'support sustainable economic growth across the country'. These positive elements are important material considerations that are considered to weigh heavily in favour of the grant of planning permission.
- 7.50 The applicant considers the proposal will facilitate beneficial sustainable economic regeneration of existing floorspace to provide a high-quality health and fitness facility that will contribute to the health and overall well-being of residents in Dundee. The applicant's supporting statement concludes that the proposed development is in accordance with the development plan.

Response

- 7.51 With regard to the identified catchment area and sequential assessment, the applicant has submitted information in support of the approach taken, and identification of the target market area. The submitted information demonstrates no alternative sites with the required floorspace are available within existing district centres or leisure parks.
- 7.52 The Local Development Plan (paragraph 7.19), considers that being within a commercial centre the application site is within a sequentially preferable location in line with Scottish Planning Policy's "Town Centre First Principle". New and expanded uses will only be permitted when the uses support the role and function of the Commercial Centre (paragraph 7.21). It is recognised that the proposed use would support the commercial centre to ensure it continues to provide a valuable and accessible service to residents.
- 7.53 In order to ensure commercial centres do not jeopardise the vitality and viability of the city Centre and District Centres they are subject to special goods range restrictions and related controls limit the amount of floor space that can be given to over to non-food goods and the size of the unit.
- 7.54 The Local Development Plan highlights that creating small units within a retail park environment could draw High Street retailers and other businesses away from the City Centre and District Centres with damaging effects on their footfall, vitality and viability (paragraph 7.42). Any proposed reconfiguration of the unit would be restricted by Policy 24 (Goods Range Restrictions) and Appendix 6.
- 7.55 As outlined previously in the report, in order to protect the network of established town centres, it is recommended that a condition is attached to any planning permission granted to ensure

the application site is not subdivided or occupied by any more than one occupier without the formal written approval of the Council.

- 7.56 The proposal would ensure a large, visible unit within an established retail park is in use, and create a complementary use for the wider site and surrounding area. The proposed use is in a location and of a scale which would not significantly alter the existing pattern of footfall in the area. It would not therefore individually or cumulatively prejudice the vitality or viability of the City Centre or District Centres.
- 7.57 With regard to the identified benefits of the proposed development, the proposed use would provide employment opportunities and contribute to the range of gyms within the city. The application site presently contains a Harry Corry home goods store. Whilst the existing use provides employment opportunities, the provision of a health and fitness centre within the site would result in the creation of job opportunities to the benefit of the local economy.
- 7.58 There are material considerations of sufficient weight to further justify approval of planning permission.

B – LETTERS OF REPRESENTATION

- 7.59 Two letters of support have been received, including a letter from Dundee Civic Trust raising the following valid material grounds:
- 7.60 The proposed development would contribute to the range of fitness offerings within the city. The proposed use of a retail unit is considered to reflect the overprovision of shopping floorspace within the city, including at retail parks such as Kingsway East. The proposed use would be a positive alternative to having an otherwise empty building. The proposal would also reflect the need to resist further retail developments out with existing centre. The policy of Town Centres First must be adhered to in order to protect the vitality of the city centre and district centres such as Lochee, the West End and Broughty Ferry.
- 7.61 The comments in support of the application are acknowledged. The applicant has demonstrated that the proposed location is sequentially preferable to an out-of-centre location and the proposal meets the requirements of the Local Development Plan in relation to proposals for major leisure developments. The proposal would support the use of a building within an established retail park which is well served by sustainable transport options.
- 7.62 A total of 94 letters of objection have been received raising the following valid material grounds:

- **The proposal is considered contrary to Local Development Plan policy.**

Response – the proposals have been considered against the requirements of the Dundee Local Development Plan 2019 within the main body of this report. It is concluded that the applicant has provided suitable justification for the location of the proposed health and fitness centre, and that it has been demonstrated there are no sequentially preferable premises available. The proposal meets the requirements of the Local Development Plan in relation to proposals for major leisure developments. The proposal also meets the requirements of the Local Development Plan in relation to noise, development within a commercial centre and provision of sustainable transport infrastructure through the addition of planning conditions.

- **Additional traffic associated with the proposed gym would have a detrimental impact on road congestion and pedestrian safety.**

Response – the applicant has provided a transport statement which considers trip generation and parking capacity associated with the proposed health and fitness centre. The statement demonstrates that the proposed health and fitness centre would not have a significant adverse impact on parking provision, or congestion on the local road network when compared to the existing situation. The site is also accessible by public transport and sustainable transport options. The applicant has confirmed that cycle storage provision and electric vehicle chargers will be provided as part of the development and it is recommended that full details of the provision are secured by planning condition.

- **There is an overprovision of gyms within the city.**

Response – the letters of objection raised concerns with overprovision of gyms within the city and the impact of the proposals on an existing gym within the east of the city. Competition between businesses is not a material consideration. However, the impacts of overprovision require to be considered. The supporting statement, and an assessment of gyms within the wider area identifies a small number of gyms of a similar scale within the east of the city. Within Dundee there are gyms at Gallagher Retail Park and Douglasfield Leisure Park, along with a David Lloyd gym at Monifieth. There are also several sports centres operated by Leisure and Culture Dundee across the city that provide health and fitness facilities with Douglas Sports Centre being the closest. The proposal for a large gym within an existing commercial centre would not have any detrimental impact on the wider area with regard to overprovision. The proposal would ensure local residents have a range of gyms and fitness services to choose from. Whilst the proposal may result in additional competition for existing gyms within the surrounding area, as above competition between businesses is not a material consideration.

- **The proposal would have a detrimental impact on residential amenity.**

Response – Concerns were raised that the proposed health and fitness centre would have a detrimental impact on neighbouring residential properties. The proposals have been considered against the requirements of the local development plan as above, including Policy 39 Environmental Protection. As there is potential for music to be played, and exercise equipment will be used on site it is recommended noise associated with music, electrical and mechanical equipment are restricted by planning condition. It is also recommended that the times deliveries can be made to the site are controlled to ensure there is no noise during the night time period. Subject to conditions, the proposal would have no adverse impact on the amenity of neighbouring residential properties.

7.63 **The matters raised within the letters of objection have been considered and are not of sufficient weight to justify refusal of the application.**

7.64 **It is concluded that there are no material considerations of sufficient weight in this case to justify refusal of planning permission.**

8 CONCLUSION

8.1 The application for a change of use from retail use (Class 1) to a health and fitness centre (Class 11) is in accordance with the Development Plan. There are no material considerations of sufficient weight that would justify refusal of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 **Condition** - Appendix 6 of the Local Development Plan 2019 states that no units with a gross floorspace of less than 1,000m² shall be created within any of the commercial centres through the development of new units; the subdivision of a unit; or the occupation by more than one retailer. This shall apply to the application site, Retail Warehouse at Milton of Craigie Retail Park, illustrated on approved drawing 01- Location Plan dated 25 February 2020, whereby the unit shall not be subdivided or have more than one occupier without the formal written approval of the Council.

Reason – to protect the established network of centres in accordance with the Local Development Plan.

- 2 **Condition** - prior to the commencement of the development hereby approved, full details of the proposed cycle storage area shall be submitted to the planning authority for their agreement and approval. Thereafter, the cycle storage area shall be formed and implemented in accordance with the approved details prior to opening of the health and fitness centre hereby approved.

Reason - in the interests of securing sustainable transport measures as part of the development.

- 3 **Condition** - electric vehicle charging points shall be provided at a location and number to be approved in writing by the Council prior to the opening of the development.

Reason - in the interests of securing sustainable transport measures as part of the development.

- 4 **Condition** - the total noise from the mechanical and electrical plant/services shall not exceed NR35 during night-time, as measured 1 metre external to the facade of adjacent residential accommodation. For the avoidance of doubt night time shall be 2300 to 0700 hours.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

- 5 **Condition** – deliveries and servicing of the fitness club, including loading, unloading or lay-up, shall not take place between 2200 and 0700 hours.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.

- 6 **Condition** – all amplified music and vocals shall be so controlled as to be inaudible at the façade of any residential property.

Reason - in the interests of protecting the residential amenity of surrounding dwellings.