

KEY INFORMATION

Ward Law

Proposal

Change of use from
warehouse/workshop to
dance studio

Address

40-42 Brown Street
Dundee
DD1 5DT

Applicant

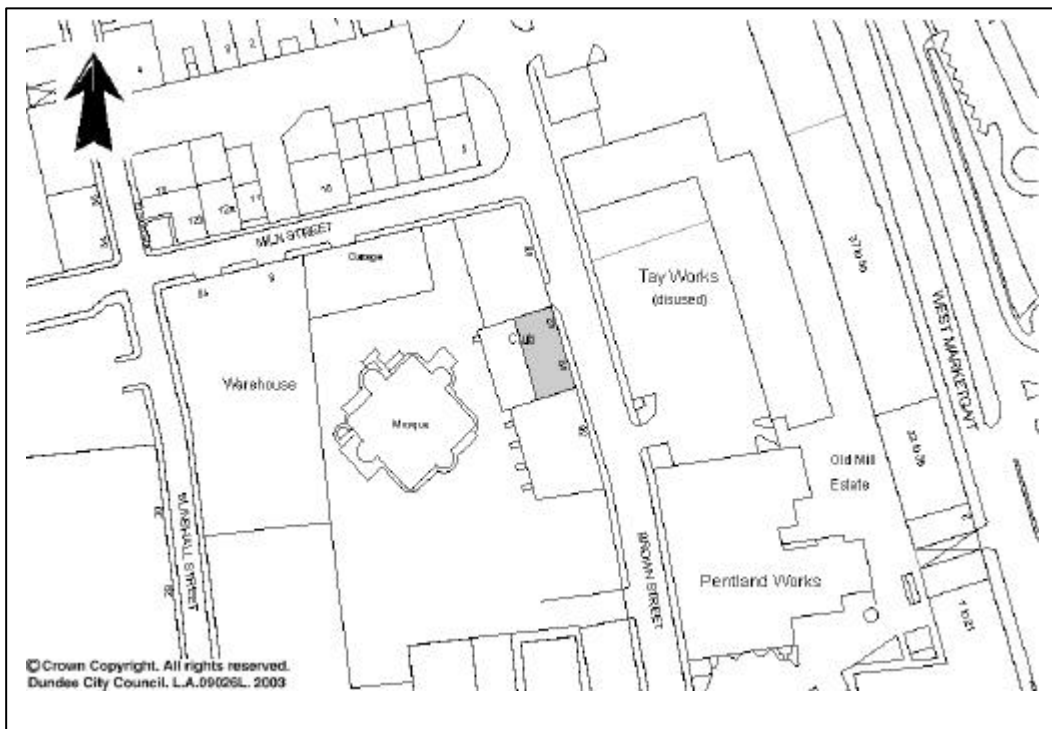
Mr J De Vries
Flat 3, 5 Cowgate
Discovery House
Dundee
DD1 2HS

Agent

James R Culloch RIBA
ARIAS
The Design Studio
95 Dundee Road
Carnoustie
DD7 7EW

Registered 29 March
2005

Case Officer E Jones



Proposed Dance Studio in Brown Street

A change of use from a warehouse/workshop to dance studio is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development complies with the relevant policies in the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review 2003. The objection is not supported. The studio is only proposed to be in use until 2100 hours. Accordingly the application is Recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the change of use of an existing warehouse to a dance studio. The studio will provide a learning and training opportunity for mainly young people. The studio is proposed on the ground floor with office and storage above. Classes will run for 1 hour and three classes are proposed per night from 1800 to 2100 hours. Classes will be for approximately 15 people.
- The site has been vacant for approximately 2 years and forms part of a traditional two storey industrial building on the west side of Brown Street, within the Blackness area. The building is divided into units and the application site has a separate access. The surrounding uses are a mix of industrial and commercial premises. The Dundee Islamic Society Mosque lies to the west of the building. The area is busy with commercial traffic during the day. Public transport is available on West Marketgait within 200 metres.
- The proposed development is in accordance with the relevant policies in the Dundee Local Plan 1998 and the Finalised Dundee Local Plan Review 2003.
- A letter of objection, accompanied by a petition, has been received from the Mosque. There are no planning grounds for the objection. The proposed studio does not overlook the Mosque and its entrance is not immediately adjoining the entrance to the Mosque. There are no planning grounds for supporting the objection.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of an existing warehouse to a dance studio. The studio will provide a learning and training opportunity for predominantly young people. Classes will run for one hour with a maximum of about 15 people per class. Three classes are proposed per night from 1800 hrs to 2100 hrs. The dance studio is proposed on the ground floor with storage and office above. There are no changes to the exterior of the building, changing and toilet facilities are proposed on the ground floor with an office above.

SITE DESCRIPTION

The site forms part of a typical two storey, traditional, industrial building on the west side of Brown Street which is divided into a number of units. The application site has a separate access. The surrounding premises are industrial and commercial units including carpet manufacture, storage and distribution of drinks, financial services, computers and a children's nursery. The Dundee Islamic Society Mosque lies to the west. Car parking in the area is generally on street. The Blackness area lies to the west of the City Centre, close to both Universities. It tends to be busy with commercial traffic during the day. Public transport is available on West Marketgait within 200 metres.

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 EU1 General Industrial Areas

Policy EU1(E) Escape into Other Uses.

Policy BE11 Development in Conservation 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 26 General Economic Development Areas.

Policy 61 Development in Conservation 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 12, "Opportunities for culture, leisure and recreation are readily available to all.

SITE HISTORY

There is no relevant previous history.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised in the local press as a potential Bad Neighbour development. A petition was received from worshippers at the Mosque objecting to the development although no planning reasons were given. No reply has been received to a request for further clarification of the grounds of objection. This will be dealt with in the Observations below.

CONSULTATIONS

The Head of Environmental Health and Trading Standards had originally sought a full Noise Impact Assessment in respect of the proposals in view of the relative proximity of the Mosque and the need to protect its environment from the potential impact of noise during religious services. Following a meeting on site with the applicant and further consideration of the limited scale of the proposed development it was determined that the imposition of specific conditions relating to noise and hours of operation would be sufficient to limit any likely adverse impact of the development as a result of noise.

There were no other adverse comments from 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

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 General Industrial Areas. The Plan supports the establishment of industrial and business uses within certain use classes. The proposed

dance studio would not comply with the list of permitted uses in the policy. However, the policy goes on to state that whilst there is a general presumption against other uses, this presumption can be overcome subject to considerations of traffic and other impacts, and by uses offering significant employment. The proposed use as dance studio is relatively limited in both scale and hours of operation. The type of dance to be taught is street dance/breakdance which is specifically aimed at young people and students. The client group and the location close to the City Centre and the Universities, with proximity to public transport, means that the majority of users are not likely to arrive by car. For those that do drive to the site, the hours of operation will not conflict with the busier times in the area when commercial and industrial users are occupying on street parking spaces. The potential for noise impact can be addressed by condition. The use will not offer significant employment but will offer indoor leisure and recreational facilities for young people. It is considered that the impact of the proposed development will be limited and the proposed use is of benefit to the community. Accordingly, it is considered that the proposed use can be supported in this location.

Policy EU1(E) Escape into Other Uses. This policy addresses other uses not covered by Policy EU1. This proposal would fall to be considered in the terms of this policy which outlines a number of criteria to be met:

- a the proposal must not fragment a reasonably homogenous industrial or commercial area. The site is in a very mixed area as detailed in the site description above. There is a precedent for leisure uses set by the indoor skate park, indoor bowling centre and the climbing centre which have been successfully located in former industrial/commercial buildings in this area.
- b the site should have a separate access independent of any industrial use. The proposal complies.
- c the use is not residential.
- d The premises have been vacant for approximately 2 years.
- e the proposed use will not result in a shortage of premises for

industrial and business use in this area.

It is concluded that the proposed development also complies with the general criteria of this policy and provides beneficial use of a vacant industrial building.

Policy BE11 Development in Conservation Areas. There are no external alterations to the building. The proposal will result in the beneficial use of a traditional building in the Conservation Area which will comply with the policy.

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:

Finalised Dundee Local Plan Review

Policy 26 General Economic Development Areas. The policy supports certain industrial and commercial uses as defined by the Use Classes Order but the proposed use does not comply with these defined uses. The policy also supports other uses of a wider industrial nature. Class 1 retail uses and residential uses are specifically not permitted by this policy. Areas covered by this policy are characterised by a range of uses and activities. New developments which contribute to the regeneration and revitalisation of the environment will generally be supported provided consideration is given to the potential traffic impact of the proposal. As noted above, it is considered that the traffic impact will be limited. Any noise impact can be controlled by condition. The use is acceptable in this area and is considered to comply with the policy.

Policy 61 Development in Conservation Areas. As noted above, the development will comply with the policy.

Objection

A petition signed by approximately 270 people was received from worshippers at the Mosque objecting to the development. The petition was headed "We the undersigned worshippers at the Dundee Mosque very strongly object to granting of

permission for the above change of use from workshop/warehouse to Dance Studio or Disco night club". The proposed development is not a disco night club. No planning reasons for the objection were given and a request for further clarification of the grounds of the objection has not been answered.

The proposed studio does not overlook the grounds of the mosque and the Head of Environmental Health and Trading Standards seeks the use of a planning condition to ensure that the music is inaudible in the Mosque. The hours of operation are limited as is the scale of use which would be possible in such a relatively small studio. The access to the studio is not immediately adjoining the entrance to the mosque and there should be no conflict between the uses in this mixed use area. There are no planning grounds for supporting this objection.

The proposal complies with the policies of the Dundee Local Plan and the Finalised Dundee Local Plan Review and there are no material considerations of sufficient weight to justify the refusal of the application.

Design

There are no changes proposed to the exterior of the building.

CONCLUSION

The site in a traditional industrial building is suitable for such a use and complies with the policies in the Dundee Local Plan and the Finalised Dundee Local Plan Review. The petition of objection contains no planning grounds which can be supported. The scale of the proposal is relatively small and will be the subject of appropriate conditions. It is therefore recommended that planning permission be granted with conditions.

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 The dance studio hereby approved shall operate only on the ground floor of the building

with the upper floor being used for ancillary activities.

- 3 All amplified music and vocals shall be so controlled as to be inaudible within the nearest residential accommodation and Brown Street Mosque.
- 4 The dance studio hereby approved shall only operate between the hours of 1000 and 2100 hours daily.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 In the interests of the amenities of the occupiers of nearby properties.
- 3 In the interests of the amenities of the occupiers of nearby properties.
- 4 In the interests of the amenities of the occupiers of nearby properties.