

3 PLANNING APPEAL DECISION (AN387-2005)

(a) UNIT 2, STEWARTS BUILDINGS, KINGSWAY EAST, DUNDEE - CHANGE OF USE FROM VACANT SITE TO CHILDREN'S INDOOR PLAY CENTRE

Reference is made to Article 1(w) of the Minutes of the Development Quality Committee of 31st January, 2005, wherein the above proposal was refused planning permission because the Council considered that the proposal contravened the following policies of the adopted Dundee Local Plan and Finalised Local Plan Review:

- 1 Policy LT7/Policy 18 (adopted plan/local plan review) - a major leisure use would be established on an out of town location unallocated for that purpose;
- 2 Policy EU1/Policy 26 (adopted plan/local plan review) - a use other than industry or business would be established in an area specifically designated for that purpose.

The decision was appealed by the applicant under the provisions of Section 47 and Schedule 4 of the Town and Country Planning (Scotland) Act 1997.

The appeal was determined by written representations and the decision was received by the Council on 6th September, 2005. A copy of the decision letter can be found in the Members' Lounges.

The Reporter considered the determining issues to be whether the proposal was consistent with the relevant policies of the development plan and if not whether an exception to these provisions is justified by other material considerations.

The Reporter considered the appeal site to be on the periphery of the general industrial area of which it forms part, where uses offering significant new employment and contribute to the wider employment objectives of the development plan would be acceptable subject to the consideration of traffic and other impacts. Unit 2 had been vacant for a considerable number of years; access and traffic circulation generated by the adjacent industrial uses would not conflict with the proposed use; the play centre would be operational outwith the normal business hours of the commercial/industrial premises near the site. The Reporter found access and parking arrangements to be satisfactory although road safety measures would be necessary but these could be made the subject of planning conditions. The Reporter found therefore that the proposal met the terms of Policy EU1 and Policy 26. Taking all the above into account the Reporter also concluded that the proposals met all the requirements of adopted plan Policy EU1(E) which allows uses normally prohibited in Policy EU1 areas to be permitted subject to criteria being met.

In terms of Policy LT7 of the adopted plan and Policy 18 of the review the Reporter agreed with the appellant's argument that no suitable alternative sites were available within identified leisure parks, the city centre or district centres and that the criteria of the policies had been met.

Accordingly, the appeal was **UPHELD** with conditions requiring the submission of a road safety scheme; control of hours of operation and confining the use to that specified in the application.