

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

Erection of swimming pool

Address

Land to south west of Kirk Street and south of Herons Lane, Dundee

ApplicantBlackscroft Primary School
26 Foundry Lane
Dundee
DD4 6AY**Agent**Peter Inglis Architects
30 South Tay Street
Dundee
DD1 1PD**Registered** 20 Jan 2003**Case Officer** Eve Jones

Proposed New Swimming Pool Development Adjacent to South Road

The erection of a swimming pool with associated car parking is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed development is contrary to the relevant policies in the Dundee Local plan 1998 and in the Finalised Local Plan Review. However, it is considered that this proposal should be considered on its merits and the material considerations are strong enough to support the granting of Outline Planning Permission subject to conditions.

SUMMARY OF REPORT

- The application is for outline planning permission for the erection of a swimming pool. Indicative plans have been submitted but do not form part of the application. They show a single pool of 25 metres by 17 metres with ancillary facilities and parking. The site is to the north of South Road, west of Kirk street and south of Heron's Lane. It is an open, level, grassed site.
- The site is identified for employment use by Policies EU1 and EU5 in the Dundee Local Plan 1998. Policy LT7 directs major leisure uses to the designated leisure parks in the first instance. The site is also identified for General Economic Development by Policy 26 in the Finalised Local Plan Review where Policy 18 also directs major leisure uses to the leisure parks.
- The applicant's agent has submitted supporting documentation which itemises the lack of facilities for swimming training and water polo in particular. The pool is to be used for a wide range of swimming training. The swimming and water polo clubs involved are local to this area.
- The Council supports the provision of sports facilities. Whilst the use does not comply with the policies in the Local Plan, this is a proposal which should be considered on its merits. The material considerations are sufficiently strong to justify the granting of outline planning permission subject to conditions.

DESCRIPTION OF PROPOSAL

The application is for outline planning permission for the erection of a swimming pool with associated car parking. Indicative plans have been submitted which do not form part of this application. They show the possible design of the proposed building, the layout of the site and the proposed pool which is 25 metres by 17 metres. The applicants agent has submitted justification in support of the application which indicates that the pool is to be used primarily for the teaching of swimming and water polo.

SITE DESCRIPTION

The site lies on the north side of South Road and is bounded by Kirk Street to the east and Heron's Lane to the north. There is a scaffolding yard to the west. Surrounding uses to the north and east are industrial and commercial. Land to the south of South Road is in residential use. The District Centre of Lochee lies approximately 400 metres to the east. The site is relatively level and is grassed. It was previously housing.

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 Area. The policy encourages the establishment of industrial and business uses which does not include swimming pool developments.

Policy EU5 - Kirk Street. The site is identified within the area where the City Council seeks to encourage the establishment and development of industrial and business uses which require inexpensive locations and in accordance with Policy S27 - Car Sales.

Policy S27 - Car Sales. This use is encouraged on the South Road frontage in the Kirk Street area.

Policy LT7 - Major Leisure and Recreational Developments. In the first instance such uses are directed towards the identified leisure parks, the City centre, District Centres or adjacent sites.

Dundee Urban Nature Conservation Subject Local Plan 1995



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

Finalised Local Plan Review

The following policies are of relevance:

Policy 26 - General Economic Development Areas. The policy supports proposals for business, industrial and storage developments as defined by Classes 4, 5 and 6 of the Use Classes Order 1997. Other uses of a wider industrial nature may be permitted subject to specific criteria.

Policy 18 - Major Leisure Uses. The policy applies the sequential test to major leisure developments capable of contributing to the vitality and viability of town centres.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

NPPG 11 Sport, Physical Recreation and Open Space. Local authorities are required to take account of the communities needs for sporting facilities in the preparation of

development plans. The policies and provisions in the development plan then become the basis of decisions made by Councils in respect of planning applications for sports facilities.

PAN 56 - Planning and Noise. The Council is required to consider the impact of development on residential properties especially where plant or increased vehicle activity may cause increased noise within an area.

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 is in accordance with a number of Key Themes. 4. Local needs are met locally; 7. Access to facilities not at expense of environment and accessible to all; 12. Opportunities for leisure and recreation readily available to all.

SITE HISTORY

02/00641/OUT Application for outline planning permission for a mixed development comprising a swimming pool with associated parking and 5 industrial units. Following discussion with the applicant's agent, the application was withdrawn on 29 August 2002.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification and was also advertised as a potentially bad neighbour. There were no objections.

CONSULTATIONS

Sportscotland supports, in principle, any proposed facility which will add to the range of sporting opportunities available to a local community.

The Director of Environmental and Consumer Protection advises that the proposed development has the potential to increase the noise burden in the area due to the plant which will be required for the pool and the increase in vehicle traffic. However, appropriate restrictive conditions can

be applied to ensure that the final design of the premises contains appropriate noise mitigation measures.

The Director of Leisure and Arts has no comments to make on the proposal.

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 - General Industrial Area. The policy encourages the establishment of industrial and business uses. The specified uses do not include swimming pool developments. The application does not comply with this policy.

Policy EU5 - Kirk Street. The site is identified within the area where the City Council seeks to encourage the establishment and development of industrial and business uses which require inexpensive locations and in accordance with Policy S27 - Car Sales. The proposed swimming pool is not an industrial or business use or car sales development. However this policy does not exclude other uses which may be acceptable in this location.

Policy S27 - Car Sales. This use is encouraged on the South Road frontage in the Kirk Street area but other acceptable uses are not excluded.

Policy LT7 - Major Leisure and Recreational Developments. In the first instance such uses are directed towards the identified leisure parks, the City centre, District Centres or adjacent sites. Alternative sites require to satisfy a range of criteria in order to be acceptable. The applicant's agent has submitted a statement of justification in support of the application which indicates that the clubs involved in the proposed

development have strong local links to this area.

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

Other Material Considerations

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

Scottish Planning Policies, Planning Advice Notes and Circulars:

In accordance with NPPG 11 Sport, Physical Recreation and Open Space, the Council has included policies and provisions in the development plan for sports facilities. SportsScotland supports the application in principle.

Should the proposal be considered to be acceptable, appropriate conditions in respect of PAN 56 - Planning and Noise can be applied to restrict noise impact from the development.

Finalised Local Plan Review

Policy 18 - Major Leisure Uses. The policy applies the sequential test to major leisure developments capable of contributing to the vitality and viability of town centres. The submitted plans whilst they do not form part of this application, indicate a relatively modest development with a single pool, changing facilities, two meeting rooms and a small gym. There are no spectator facilities indicated. The proposal is not considered to be a major leisure use under the terms of the policy.

Policy 26 - General Economic Development Areas. The policy supports proposals for business, industrial and storage developments as defined by Classes 4, 5 and 6 of the Use Classes Order 1997. Other uses of a wider industrial nature may be permitted subject to specific criteria. The proposed use does not fall within the identified uses which are supported by the policy. However the terms of the policy are wide and offer a degree of flexibility for uses of a wider industrial nature provided 1 there is no detrimental impact on neighbouring uses and residential amenity, 2 there is no unacceptable traffic impact, 3 the scale of development is appropriate to the size and location of the site.

Supporting Justification. The applicant's agent has submitted a

statement of justification which is available in Members lounges.

The statement indicates that the pool will be primarily for the teaching of swimming and water polo but will also accommodate other swimming uses. The report goes on to state that there is a shortage of pools and pool time within Dundee. The intended hours of operation are 0630 to 2300 Monday to Friday and 0900 to 2300 on Saturday and Sunday. The statement indicates that a wide range of teaching and training uses will be carried out.

Design

The building as detailed is for illustrative purposes only and is not part of the applications.

CONCLUSION

The Council supports the provision of sports facilities in principle particularly as the proposed users are existing swimming and water polo clubs within this part of the city. The application is for outline planning permission and all details of the development will be the subject of a later application for the approval of reserved matters.

Whilst the site is identified within an industrial area for industrial or business use, it does have a frontage to South Road. The Local Plan also identified it as a possible site for car sales which would be likely to attract significant traffic to the area. The proposed use is not a major commercial leisure use of the type which is to be directed to the leisure parks.

The site has been vacant for a considerable period of time and there is no identified shortage of industrial and commercial land in the City.

The proposal does not fall into any of the broad categories of industrial, commercial or major leisure facilities for which the policies in the development plan have been framed. It therefore falls to be considered on its own merits in respect of the proposed use and the specific site. The application is for outline planning permission and all matters will have to be the subject of a later application for approval of reserved matters.

It is concluded from the foregoing that whilst the proposed development is not in accordance with the development

plan, sufficient weight can be accorded to 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 outline planning permission be granted subject to conditions.

RECOMMENDATION

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

- 1 The approval of the City Council shall be obtained to the following reserved matters before any development is commenced viz: the siting of the building(s) the design of the building(s) the external appearance of the building(s) the means of access to the building(s) the landscaping of the site
- 2 Application for approval of the matters referred to in condition (1) above must be made within 3 years of the date of this permission.
- 3 The development to which this permission relates shall begin within 5 years of the date of permission or 2 years of the final approval of the reserved matters, whichever is the later.
- 4 The approval of the Council shall be obtained to the following reserved matter before any development is commenced: the size of the swimming pool.
- 5 The approval of the Council shall be obtained to the following reserved matters before any development is commenced: the number and layout of car and coach parking spaces: the service vehicle access and manoeuvring space.
- 6 Total noise from all mechanical/electrical services shall not exceed NR45 daytime and NR35 night time as measured 1 metre from the south facade of 1 Kerr's Lane as the nearest affected residential accommodation. For the avoidance of doubt, daytime shall be 0700-2300 hours and night time shall be 2300-0700 hours.

Reasons

- 1 To reserve these matters for future consideration by the Council.
- 2 To comply with Section 58 of the Town & Country Planning (Scotland) Act 1997.
- 3 To comply with Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 4 To ensure that the scale of the development is in accordance with the size of the site and the need to provide adequate parking and manoeuvring space for vehicles.
- 5 To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety.
- 6 To protect the amenities of the occupants/owners of nearby adjacent properties in the locality.