

KEY INFORMATION

Ward East Port

Proposal

Amendment to consent ref 01/25072D to accommodate 2507 sq m health and fitness club, additional car parking, elevational alterations, deletion of fast food drive-thru restaurant.

Address

Land to East of East Whale Lane
East Dock Street
DUNDEE
DD1 3JS

Applicant

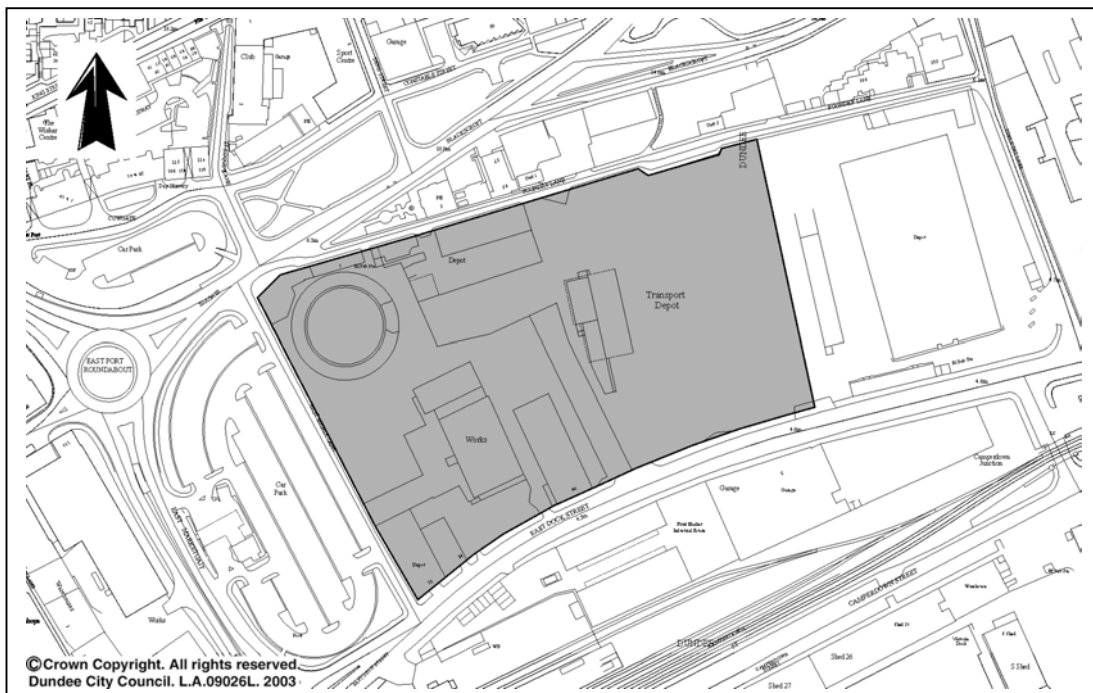
Gallagher Developments
Gallagher House
51 Bordesley Green
Birmingham
B9 4QS

Agent

Smith Design Associates
16 Lynedoch Crescent
Glasgow G3 6EQ

Registered 11 Sept 2003

Case Officer G S Reid



The Amendment to consent ref 01/25072/D to accommodate 2507 sq m health and fitness club, additional car parking, elevational alterations, deletion of fast food drive-thru restaurant, is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed amendment is considered to be in accordance with the policies of the development plan.

The application is recommended for approval subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for an amendment to permission 01/25072/D to accommodate a health and fitness club, additional car parking, elevational alterations and the deletion of the fast food drive thru' restaurant at East Dock Street, Dundee.
- The proposed amendment raises issues for consideration in terms of the Retailing and the Leisure and Tourism Policies and Proposals of the Dundee Local Plan 1998. In addition it raises issues in terms of Policy 18 of the Finalised Dundee Local Plan Review and the guidance set out in NPPG8.
- No objections to the proposed amendments were received.
- It is considered that the proposed amendment to planning permission 01/25072/D is in accordance with the Retailing and Leisure and Tourism Policies and Proposals of the Dundee Local Plan 1998. In addition it is considered that the proposal is in accordance with Policy 18 of the Finalised Dundee Local Plan Review and the guidance set out in NPPG8.

DESCRIPTION OF PROPOSAL

Planning permission is sought for an amendment to permission 01/25072/D to accommodate a health and fitness club, additional car parking, elevational alterations and the deletion of the fast food drive thru' restaurant at East Dock Street, Dundee.

The proposal is for a new format of a combined health and fitness club and retail unit selling sports clothing and equipment. The proposal is to occupy Unit 4 and with the formation of a mezzanine floor with the Health and Fitness Club on the ground floor and the sale of sports clothing and equipment on the mezzanine floor.

The proposed health and fitness club will extend 2,507 sq. metres gross floor area. The Club is to include an indoor swimming pool with Spa suite and sauna, 2 aerobics studios, a free weights area, a large gym, a members lounge and associated changing rooms.

The mezzanine floor of this unit will extend to 2,173 sq. metres and is to accommodate the sale of sports clothing and equipment.

The proposal also proposes to delete the previously approved drive thru' fast food restaurant and increase the level of car parking serving the retail park.

The proposals also include minor elevational changes to the façade of unit 4 and alterations to the landscaping along the East Dock Street frontage.

SITE DESCRIPTION

The application site is located to the north of East Dock Street and to the south of Foundry Lane and is bounded to the west by East Whale Land and to the east by the Travel Dundee Bus Depot. The site extends to approximately 3.53 hectares and is relatively flat in nature. Two units of the Retail Park have been built and are currently trading. These units are occupied by Matalan and Brantano. The main access into the site is in place as is customer car parking serving this part of the Retail Park. The area to the west of the main access is partly cleared and partly occupied by vacant buildings.

There is a category 'A' listed building in the south west of the site. This building is two storeys in height and was the former Gourlay Brothers engine works. This building is to be relocated within the site and refurbished as part of the Retail Park development.

POLICY BACKGROUND

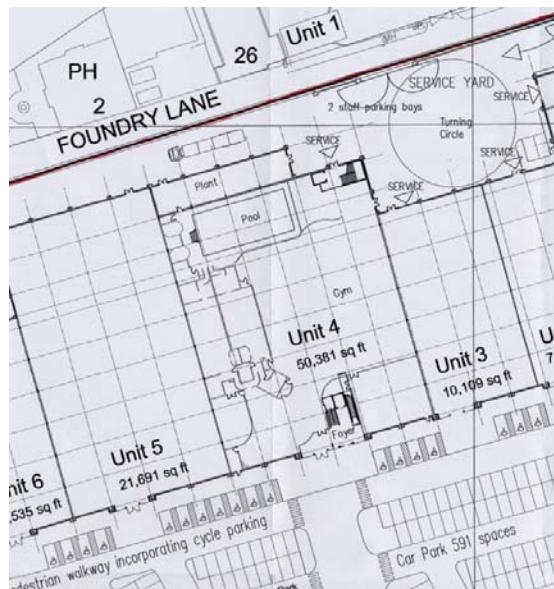
Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 1998

The following policies are of relevance:

Retailing Policy S7 is relevant and seeks to promote the development of a food superstore at East Marketgait.



Leisure and Tourism Proposal LT7 is relevant and seeks that in the first instance proposals for Major Leisure developments will be encouraged to locate within the identified leisure parks, within the City Centre and District Centres or, if no suitable site exists, on adjacent sites.

Leisure and Tourism Policy LT11: The Council will seek to ensure an adequate provision and distribution of sports and recreation facilities throughout the Council area.

Dundee Urban Nature Conservation Subject Local Plan 1995

There are no policies relevant to the determination of this application

Finalised Dundee Local Plan Review

Policy 18: Major Leisure Uses. This policy advises that the City Centre and District Centres will be the locations of first choice for major new leisure uses capable of contributing to their vitality and viability. Other than within the existing leisure parks at The Stack, Douglasfield and Camperdown, new freestanding out of centre proposals involving these uses will only be accepted where it can be established that:

- 1 no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or district centres or within the existing leisure parks; and
- 2 the site is readily accessible by modes of transport other than the car; and
- 3 the proposal is consistent with other Local Plan policies.

Scottish Planning Policies, Planning Advice Notes and Circulars

NPPG8 advises in paragraph 76 that as well as retailing developments, the sequential approach applies equally to the location of commercial leisure schemes which need to be accessible to a large number of people. Where appropriate sites can be found in or on the edge of town centres, these should be the preferred location for major commercial leisure uses planned in conjunction with complementary uses and parking.

Non Statutory Statements of Council Policy

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

LOCAL AGENDA 21

Key Theme 7 is relevant in relation to the proposed development. Key

Theme 7 stresses that facilities, services and goods should be accessible to all, but not at the expense of the environment. The proposal is to be located within a retail park on an edge of centre site. The retail site was considered to meet the aims of Key Theme 7. The proposed health and fitness club is considered to meet these aims.

SITE HISTORY

Planning Application 01/25072/D: Erection of non-food retail warehouse park and fast food drive thru' restaurant with associated car parking at East Dock Street, Dundee. Approved with conditions on 18 October 2001.

PUBLIC PARTICIPATION

The applicant carried out the statutory notification of neighbours and the proposal was advertised in the "Dundee Courier and Advertiser" on the 23 September 2003 as a potential departure to the development plan.

No objections were received to the proposed development.

CONSULTATIONS

The Scottish Executive Enterprise, Transport and Lifelong Learning Department- Trunk Roads-Network Management Division advised that they had no objection subject to a condition covering the satisfactory implementation of the modifications to the trunk road.

No adverse comments were received from any of other the 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.

Planning permission was granted in October 2001 for the development of a non-food retail park at East Dock Street. The permission was for the development of 8 retail units of various sizes and a drive thru' fast food restaurant. The proposals also included the relocation of the category 'A' listed former Gourlay Engine Works.

Development has progressed on the site in a phased manner with a new junction formed on East Dock Street providing access to the development. Two units already trading and the associated car parking in place. As part of the next phase of the Retail Park the owners have submitted an application to include a health and fitness club within the scheme. They also propose to delete the drive thru' restaurant from the scheme. The deletion of the restaurant allows for the provision of additional car parking spaces for the health and fitness club.

The proposal also involves the introduction of a mezzanine floor above the health and fitness club. As a result there is no decrease in the total retail floor space to be developed. While the total floorspace remains the same the number of new build retail units will decrease from 8 to 7. The proposals for the relocation of the listed building remain unchanged.

Retailing Policy S7 of the Dundee Local Plan covers the site. This Policy sought the development of a food store at this location. In determining the application for the Retail Park it was considered that there were sufficient material considerations to set aside the Policy and allow the development of the non-food retail park. Given that planning permission has been granted for a non-food retail park and that the proposal is under construction it is unlikely that a food store will be built on the site. As such it is considered that the proposal for a health and fitness club on part of the site is an acceptable departure from this policy.

As the total retail floorspace is to remain unchanged and no alteration to the range of goods to be retailed from the development is sought then, the proposal does not raise any concerns with regards to the retail policies of the development plan.

Leisure and Tourism Proposal LT7 seeks to encourage the location of major new leisure developments within the leisure parks, within the City Centre and district centres or, if no suitable site exists, on adjacent sites. From the consideration and approval of the East Dock Street Retail Park it has been accepted that the location is adjacent to the City Centre. The proposal under consideration is for a combined development of health and fitness club with the retail of sports goods and equipment. This type of combined development would not be acceptable within a leisure park given the significant retail element. The floor area required to accommodate the development is not available within the City Centre or any of the District Centres. As the site at East Dock Street is accepted to be adjacent to the City Centre it is considered that the proposal is acceptable in terms of Leisure and Tourism Proposal LT7.

Leisure and Tourism Policy LT11 seeks to ensure an adequate provision and distribution of sports and recreation facilities throughout the Council area. The site at East Dock Street is adjacent to the City Centre and therefore would serve this area and also is accessible by modes of transport other than the car. It is considered that the proposal is acceptable in terms of this Policy.

The deletion of the drive thru' restaurant does not give rise to any issues of concern in terms of the development plan.

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:

- a Does the proposal comply with Policy 18: Major Leisure Uses. This policy advises that the City Centre and District Centres will be the locations of first choice for major new leisure uses capable of contributing to their vitality and viability. Other than within the existing leisure parks at The Stack, Douglasfield and Camperdown, new free-standing out of centre proposals involving

these uses will only be accepted where it can be established that:

1) no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or district centres or within the existing leisure parks; and

2) the site is readily accessible by modes of transport other than the car; and

3) the proposal is consistent with other Local Plan policies.

As discussed in the consideration of the proposals in terms of Leisure and Tourism Policy LT7 it is considered that while the proposal is not in an existing centre it is adjacent to the City Centre. For the reasons already given it is considered that there is no suitable alternative site available for the proposal given the combined retail element and the floor area required. The application site is accessible by modes of transport other than the car given its close proximity to the City Centre. The proposal does not raise any other issues in terms of other Finalised Local Plan Policies. For these reasons it is considered that the proposal is acceptable in terms of Policy 18 of the Finalised Dundee Local Plan Review.

- b) NPPG8 advises in paragraph 76 that as well as retailing developments, the sequential approach applies equally to the location of commercial leisure schemes which need to be accessible to a large number of people. Where appropriate sites can be found in or on the edge of town centres, these should be the preferred location for major commercial leisure uses planned in conjunction with complementary uses and parking. As already discussed above the site on which the proposal is located is an approved non-food retail park. This park was approved on the basis that it was adjacent to the City Centre. As such the proposed health and fitness club would benefit from the locational advantages as the retail park. The proposal is considered acceptable in terms of paragraph 76 of NPPG8.

It is concluded from the foregoing that there are no material considerations that would justify the refusal planning permission. It is therefore recommended that planning permission be granted with conditions.

Design

The proposal includes some minor alterations to the elevation on the building. The alterations increase the height of unit 4 to accommodate the mezzanine floor. The changes do not alter the agreed design of the frontage of the units in terms of materials and entrance features. The changes are considered to be acceptable. The deletion of the drive thru' restaurant from the car park area to the front of the units is considered to improve the setting of the retail park.

CONCLUSION

It is considered that the proposed amendment to planning permission 01/25072/D is in accordance with the Retailing and Leisure and Tourism Proposals of the Dundee Local Plan 1998. In addition it is considered that the proposal is in accordance with Policy 18 of the Finalised Dundee Local Plan Review and the guidance set out in NPPG8.

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 development shall consist of Class 1 non-food retailing with a gross floor area not exceeding 12,089.3 sq. metres.
- 3 No part of the development shall be commenced until details of a new access to the development off East Dock Street have been agreed and approved on detailed drawings generally in accordance with Dougall Baillie Associates Drawing No. 00093/SK/03 Rev.B dated March 2001 to the satisfaction of the Planning Authority in consultation with Scottish Executive Development Department-Road Network

Management and Maintenance Division (SEDD-RNMMD).

- 4 No part of the development shall be opened for trading until trunk road modifications as per condition 2 have been implemented to the satisfaction of the planning authority in consultation with SEDD-RNMMD.
- 5 The centre-point of the development access as per condition 2 shall be a minimum distance of 180 metres from the centre-point of the existing East Marketgait/East Dock Street signalised junction
- 6 Commercial servicing of the proposed development shall be solely by means of Foundry Lane
- 7 The proposed alterations to the trunk road network shall in all respects comply with the Design Manual for Roads and Bridges (DMRB) and with the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect signed by his design organisation.
- 8 A visibility splay shall be provided and maintained on the east and south boundaries of the proposed development within land under control of the Applicant such that uninterrupted visibility from a point 4.5 metres back along the centre-line of the adjacent bus station access to point 90 metres along the nearside kerb measured to the west of this access is available from a driver's height of 1.05 to 2.0 metres to an object height of between 0.26metres and 1.05 metres
- 9 No part of the development shall be occupied until a Green Transport Plan (GTP) has been submitted and approved in writing by the Planning Authority in consultation with SEDD-RNMMD. GTP will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan
- 10 A detailed scheme of landscaping including all boundary walls and enclosures shall be submitted to

- the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 11 Details of the proposals for the 1% for public art contribution and the timescale for its implementation shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 12 Details of the management arrangements to be imposed upon the customer car park shall be submitted to the Council before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 13 The development of the site is carried out in accordance with the recommendations set out in White Young Green's Ground Investigation Report Reference E1001/GI/INT dated 24 November 2000
- 14 The phasing of the development of the site shall be carried out in accordance with the Smith Design Associates Drawing No G766/Phase01 dated 09 August 2001 and Smith Design Drawing No G766/Phase02 dated 09 August 2001.
- 15 The retail warehouse units will have a gross floor area of not less than 929 sq. metres, with allowance being made for a maximum of three retail warehouse units with a gross floor area of not less than 700 sq. metres. Other than the latter there will be no sub-division to create units of less than 929 sq. metres gross floor area.
- 16 The following categories of goods shall not be sold from any of the retail units:
- 1 DIY/home improvements
 - 2 Carpets
 - 3 Garden Goods
 - 4 Motoring products and accessories
- 5 Jewellery, silverware, watches and clocks
- 6 Furniture
- 7 Electricals
- 17 No individual retail unit shall be occupied by more than one retailer
- 18 That samples of all finishing materials proposed to be used shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in accordance with such approved samples
- 19 Detailed drawings setting out the design, layout, materials and furniture proposed for the public space to the front of the relocated listed building shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 20 Details of the provision for staff cycle parking shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 21 Details of all plant and machinery to be installed at the proposed development, including ventilation equipment, shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 22 Details of the proposed improvements to the pedestrian and cycle linkages to the Central Shopping Area and surrounding area from the site shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such details
- 23 Details of the lighting strategy for the car park and service yards and the design of the lighting columns shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such details
- 24 Details of the surfacing materials proposed for the car parking and pedestrian areas shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 25 No retail warehouse unit within Phase 02 of the development, as indicated on Smith Design Drawing No. G766/Phase 02 dated 09 August 2001, shall commence trading until the listed building has been fully reinstated to the satisfaction of the Council.
- 26 That detailed drawings setting out the design of the facades of the proposed retail warehouse units and the layout and design of the proposed public square in front of the listed building shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details
- 27 That details of the recycling facilities shall be submitted to the Council for approval before any development is commenced and if approved the development shall be carried out only in full accordance with such approved details.
- 28 The health and fitness club shall not commence trading until the listed building has been fully reinstated to the satisfaction of the Council.
- 29 The proposed health and fitness club shall have a gross floor area not exceeding 2,057 sq. metres.
- 30 The ground floor of unit 4 (Smith Design Associates drawing AL (0) 2001 P6 refers) shall be used for a health and fitness club and for no other use notwithstanding the provisions of Class 11 the Town and Country Planning (Use Classes)(Scotland) Order 1997 and the General Permitted

Development Order 1992 as amended.

Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the number of trips generated is in accordance with the Transport Assessment.
- 3 To minimise interference with the safety and flow of traffic on the trunk road
- 4 To minimise interference with the safety and flow of traffic on the trunk road
- 5 To minimise interference with the safety and flow of traffic on the trunk road
- 6 To minimise interference with the safety and flow of traffic on the trunk road
- 7 To minimise interference with the safety and flow of traffic on the trunk road
- 8 To minimise interference with the safety and flow of traffic on the trunk road
- 9 To be consistent with the requirements of NPPG17-Transport and Planning
- 10 To ensure a satisfactory standard of appearance of the development and that the landscaping details accord with the Ambassador Routes Design Guide for East Dock Street.
- 11 To ensure that an appropriate scheme of public art is contained within the development proposals and that the scheme is fully implemented prior to the development being completed
- 12 To ensure that the customer car park serving the proposed development is not misused by commute
- 13 To ensure that the site is developed in such a way that matters of ground contamination are dealt with in a safe and appropriate way
- 14 To ensure that the development of the site is carried out in such a manner as to ensure the reinstatement of the Listed Building within the development.
- 15 To ensure that no retail unit on the retail park is of a size that would compete with the existing shopping provision within the Central Shopping Area
- 16 To ensure that the proposed development of a retail warehouse park at East Dock Street does not undermine the main stay of the categories of goods retailed at the existing retail parks within the City
- 17 To ensure that the restrictions set out in condition 15 are met and that the Central Shopping Area is not adversely affected.
- 18 To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area
- 19 To ensure a satisfactory standard of appearance of the development and to protect the setting of the listed building
- 20 To ensure that satisfactory provision is made for secure, covered staff cycle parking
- 21 To ensure that the proposed development does not have an adverse impact, in terms of noise, on the residents in the surrounding area
- 22 To ensure that the site can be adequately accessed from the surrounding area and that the linkages with the Central Shopping Area are improved in order to encourage linked shopping trips
- 23 In the interests of residential amenity , energy conservation and appearance .
- 24 To ensure the satisfactory appearance of the development
- 25 To ensure that the listed building is reinstated within an acceptable time period and to the satisfaction of the Council
- 26 To ensure that the design of the new retail warehouse units and the design and layout of the public square are of a satisfactory standard and contribute to the appearance of the overall development
- 27 To ensure that proper facilities are provided within the development for recycling.
- 28 To ensure that the listed building is reinstated within an acceptable time period and to the satisfaction of the Council.
- 29 To ensure that the number of trips generated and parking provided is adequate for the proposed development.
- 30 To ensure that integrity of the retail park is maintained and the Council can assess any proposed changes in the use of the ground floor unit 4.