

Ward Pitkerro

Proposal

Proposed indoor skate park development & associated car parking

Address

Land to the East of Douglas Road & South of Balunie Drive, Dundee DD4 8PD

Applicant

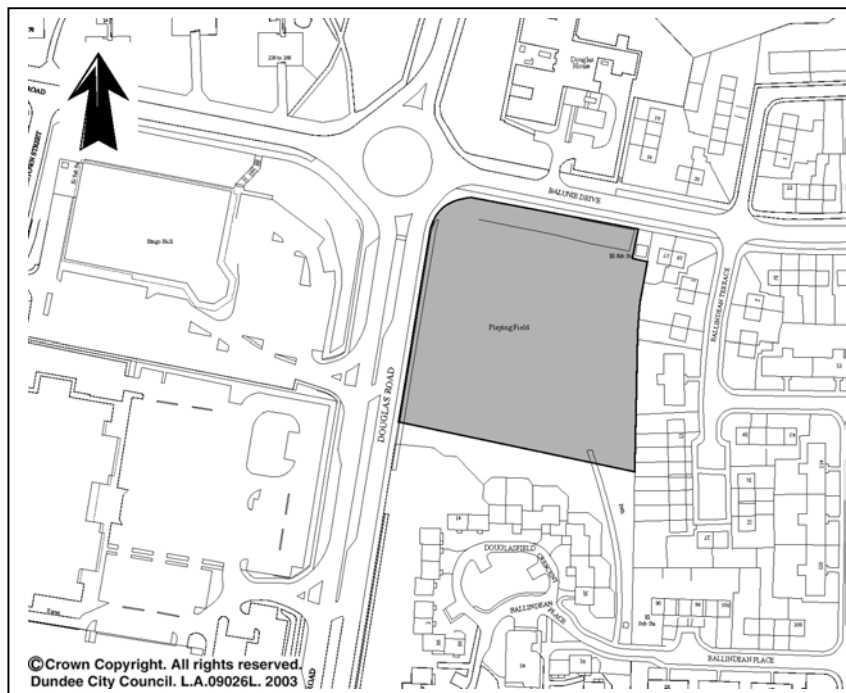
The Factory Skatepark II Ltd
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Agent

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Registered 21 Oct 2003

Case Officer G Reid



FFARQUHAR

Proposal for Indoor Skate Park at Douglas Road

A Proposed indoor skate park development & associated car parking is **RECOMMENDED FOR APPROVAL SUBJECT TO CONDITIONS**. Report by Director of Planning and Transportation

RECOMMENDATION

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

If Members are minded to approve the proposal it will be necessary to refer it to Scottish Ministers due to the Council's financial interest in the site and the level of objection received.

The application is recommended for **APPROVAL** subject to conditions.

SUMMARY OF REPORT

- Planning permission is sought for the construction of a new skate park building with ancillary accommodation, landscaping, access and car parking at land to East of Douglas Road and South of Balunie Drive, Dundee.
- The proposed development raises issues for consideration in terms of Employment Policy 5 of the Dundee and Angus Structure Plan, the Leisure and Tourism Proposals and Open Space Policies of the Dundee Local Plan 1998 and Policies 18 and 66 of the Finalised Dundee Local Plan Review.
- Fifteen letters of objection were received to the proposed development from neighbours. The main concerns raised were that the proposed development would result in the loss of the area open space, would increase the noise in the general area, would increase the levels of traffic in the surrounding area and result in problems of parking, access and congestion and is too close to residential properties including sheltered accommodation. A petition with 130 signatures objecting to the development was also received. However, no grounds of objection were stated in the petition.
- The Police Architectural Liaison Officer advised that there would be no policing difficulties envisaged by the establishment of a skatepark at this location and did not therefore object to the proposals.
- It is considered that the proposed development is in accordance with Employment Policy 5 of the Dundee and Angus Structure Plan, the Leisure and Tourism Proposals and Open Space Policies of the Dundee Local Plan 1998 and Policies 18 and 66 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised by objectors are not of sufficient weight as to warrant refusal of the application.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of a new skate park building with ancillary accommodation, landscaping, access and car parking at land to East of Douglas Road and South of Balunie Drive, Dundee.

The facilities are to include a new building of 2170 square metres gross floor area and parking for 76 cars. The majority of the floor area of the building will contain the ramps and jumps for the skaters. The ancillary accommodation will include changing facilities, a skater's shop, office/staff facilities, training rooms and viewing areas.

The building is to be finished in facing brick and roughcast at the lower levels and profiled steel cladding at the upper levels. The roof is to be finished in profiled steel sheeting.

Access to the facility is to be taken from a new access from Balunie Drive.

The applicants submitted a letter in support of their proposal which, sets out the operational requirements for the Skate Park and the reasons for pursuing the site under consideration.

SITE DESCRIPTION

The application site is located on the east side of Douglas Road and on the south side of Balunie Drive. The site extends to approximately 1.3 hectares and is an area of open space with a kick-about area on it. There are mature trees along the Balunie Drive and Douglas Road frontage. The site is also bounded around its perimeter by a chain link fence. There are two pedestrian access points in the fence one onto Douglas Road and the other onto Balunie Drive. To the west of the site is the Douglasfield Leisure Park, to the north of the site is Douglasfield House and residential properties, to the east of the site are residential properties which front onto Ballindean Terrace and to the south are residential properties which front onto Douglasfield Crescent.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

The following policy is of relevance:

Employment Policy 5: Leisure and Tourism is relevant to the consideration of the application. This Policy supports proposals that contribute to the sensitive development of the range and quality of tourism and visitor attractions, including major indoor and outdoor sports facilities including specialised facilities with extensive catchment areas.

Dundee Local Plan 1998

The following policies are of relevance:

Proposal LT7 Major Leisure and Recreational Developments advises that in the first instance, proposals for these types of developments are encouraged to locate within the Leisure Parks, within the City Centre and District Centres, or if no suitable site exist, on adjacent sites. New out-of-centre leisure developments will only be acceptable where they meet criteria (A)-(E) of Proposal LT7.

Public Open Space Policy OS1 Existing Open Space: This policy sets out a presumption in favour of retaining major areas of open space identified on the proposals map. The policy does allow for instances where alternative uses for open space could be acceptable.

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 18: Major Leisure Uses states that the City Centre and District Centres will be the locations of first choice for major new leisure uses. In addition, other than within the existing Leisure Parks new free-standing out of centre proposals will only be acceptable 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

- 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.

Policy 66: Open Space Network states that there is a presumption against the development of open spaces other than for small scale complementary uses such as sporting, recreational or interpretative facilities. This Policy is subject to Pre Inquiry Changes approved by the Council. The emphasis of this Policy is basically the same but clarification is provided with regards to proposals that will affect open spaces. These are considered to be acceptable where the development is complementary in character, function and overall integrity of the open space; or the public benefits of the development clearly outweigh the value of the site to the character and amenity of the surrounding area. In addition, the Pre Inquiry Changes include Policy 66A, which covers the replacement of open space provision. This Policy advises that proposals that will result in the loss of open space in accordance with Policy 66 will be required to:

- 1 provide replacement open space of the same type and of at least equal community benefit to that being lost to the satisfaction of the Council: and
- 2 where the Council is satisfied that replacement provision is not required, in appropriate circumstances a planning agreement may be sought to help improve the quality of existing open space.

Scottish Planning Policies, Planning Advice Notes and Circulars

The following are of relevance:

National Planning Policy Guideline NPPG11 Sport, Physical Recreation and Open Space advises Councils to meet the sporting and recreational needs of residents, tourists and visitors, while safeguarding the quality of the natural and cultural heritage. In addition, it advises Councils to ensure that new sports facilities are readily accessible by public transport, cycling and on foot.

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 of relevance and seeks to ensure that access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. Key Theme 12 is also of relevance and seeks to ensure that opportunities for culture, leisure and recreation are readily accessible to all. It is considered that the proposed development achieves the aims of both of these Key Themes.

SITE HISTORY

Planning Permission 02/00238/FUL: Proposed new skatepark building with associated ancillary accommodation and car parking at Pitkerro Training Centre, Pitkerro Road, Dundee. This application was approved with conditions on the 29 April 2002.

PUBLIC PARTICIPATION

The applicants carried out the statutory notification of neighbours and the proposal was advertised in the "Dundee Courier and Advertiser" as a potential bad neighbour on the 28 October 2003 and as a potential departure to the development plan on the 4 November 2003.

Fifteen letters of objection were received to the proposed development. The main concerns raised were that:

- 1 the proposed development would result in the loss of an area of open space used by young people for football and dog walkers.
- 2 the proposed development would increase the noise and disturbance in the general area from music played in the building and people using and congregating around the skatepark.
- 3 The proposed development would increase the levels of traffic in the surrounding area and result in problems of parking, access and congestion on Balunie

Drive and parking problems in Douglasfield Crescent.

- 4 The proposed development is too close to residential properties which, includes sheltered accommodation.

A petition with 130 signatures objecting to the proposed development was received. The petition did not set out any grounds of objection to the development

Copies of the letters of objection and the petition are available in the Members Lounges' and the concerns raised are addressed in the 'Observations Section' of this report.

CONSULTATIONS

The Head of Environmental Health and Trading Standards advised that he had no objection to the proposed development subject to a condition ensuring that all amplified music and vocals are inaudible within the nearest residential property.

Sportscotland advised that the proposed site is acceptable for the development of the skate park

The Police Architectural Liaison Officer advised that no great policing difficulties were envisaged by the establishment of a skatepark at this location. He also advised that

- 1 this site was a great improvement on the previous proposal at Pitkerro Road from a policing standpoint.
- 2 there had been no policing problems at the existing skatepark operated by the applicant in Blinshall Street.
- 3 the closure of the through route from Douglasfield Crescent to Balunie Drive should make the area easier to police and lessen the impact on residents.
- 4 he was satisfied that the building and site are planned to be as safe and secure as possible and that the provision of a single entrance and exit with adequate fencing around the development will allay many of the type of problems envisaged by nearby residents.

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 by the Development Quality Committee at its meeting on the 29 April 2002 for a Skatepark by The Factory Skatepark at the former Pitkerro Training Centre, Pitkerro Road. The applicants have advised that this proposal has not progressed as they have been unable to purchase the site. As a result they have carried out a search for alternative sites within the area with the result being the current proposal for the site at Douglas Road/Balunie Drive. The current proposal is for exactly the same operation and building as approved for the Pitkerro Road site. The applicants highlight that the proposal would provide a purpose built complex, which would house a skating area of a size and standard to attract national competitions and to create a centre of sporting excellence for Scotland. The new facilities would also give the scope to provide a range of support services along with a range of youth support services under one roof.

The current proposal, therefore, raises similar policy concerns as the previous application.

Employment Policy 5: Leisure and Tourism of the Structure Plan is relevant to the consideration of the application. This Policy supports proposals that contribute to the sensitive development of the range and quality of tourism and visitor attractions, including major indoor and outdoor sports facilities and specialised facilities with extensive catchment areas. It is considered that given the nature of the proposal and the catchment area of its members it is

in accordance with Employment Policy 5 of the Structure Plan.

As the proposal is for a recreational development Leisure and Tourism Proposal LT7 is relevant. This proposal seeks to encourage the location of such facilities within the existing Leisure Parks, within the City Centre and District Centres, or if no suitable site exists, on adjacent sites. Proposal LT7 also advises that new out-of-centre leisure developments will only be acceptable where they meet the criteria contained within the Proposal. The following assesses the proposed development against the criteria of the Proposal.

Criteria (A) seeks that new developments provide significant improvements in the distribution and accessibility of leisure developments. The Skate Park is a specialised facility and has a specific user group i.e. children and young adults. The facility is clearly a destination type facility. The existing skatepark is located in Blinshall Street within the Blackness Area. This is not within or adjacent to an existing centre. The proposed site is located adjacent to an existing Leisure Park namely, Douglasfield and is in close proximity to large housing areas namely, Whitfield, Fintry, Douglas and Angus, and Linlathen. The applicants highlight that a considerable number of their members live within these areas. The site is also located next to main bus routes, which connect into the town centre. The applicants highlight that a significant number of children/young adults who use the existing skatepark also come from outwith Dundee. The site is within easy access of the Kingsway. Therefore given the destination-based nature of the facility it is considered that the location proposed would provide improved accessibility for skate park members who live within the peripheral areas of the city. In addition, it is considered that it would also be more easily accessible to those coming from outwith the City. In achieving the above it is also considered that it would improve the distribution of such developments within the City.

Criteria (B) seeks to ensure that new proposals do not individually or cumulatively prejudice the vitality or viability of the identified Leisure Parks. The proposal is for a

recreational use serving a specific user group namely, children and young adult skaters. No similar use exists on any of the existing leisure parks within the city. Given the nature and scale of the operation it is considered that the proposals would not prejudice the vitality or viability of the identified Leisure Parks.

Criteria (C) requires applicants to demonstrate that no suitable sites exist within existing Leisure Parks, within the City Centre and District Centres, or if no suitable site exist, on adjacent sites. In the letter of support submitted by the applicants they state that an extensive search was carried out of the facilities within the existing Leisure Parks, City Centre and District Centres. They concluded that due the specific space and height specifications required to accommodate a modern skate park the existing buildings were not suitable or available. They indicated that they also examined other sites within the City but in the end considered that the current site best matched the requirements and was available at the cost that could be met.

Criteria (D) seeks to ensure that proposals are well located with regard to the existing road network and are accessible by a choice of means of transport. As already indicated above the proposal is adjacent to the Douglasfield Leisure Park and would benefit from the existing bus links. In addition, it is well located to large housing areas and has good access onto the Kingsway. The site would also be accessible by cycle and foot from the surrounding area.

Criteria (E) seeks to ensure that the proposal is consistent with the policies and proposals elsewhere in the Local Plan. The following paragraphs addresses the other relevant policies and proposals relating to this proposal and concludes that it is acceptable.

While the proposal is not within any of the centres included by Proposal LT7 it is adjacent to an existing Leisure Park as defined in the Local Plan namely, Douglasfield. Taking into account all of the above it is considered that the location proposed is acceptable in terms of Proposal LT7.

The site is located within an area covered by Public Open Space Policy OS1 Existing Open Space. This policy sets out a presumption in favour of

retaining major areas of open space identified on the proposals map. The policy does allow for instances where alternative uses for open space could be acceptable. The factors to be taken into account are 1) the amount and distribution of alternative areas of open space in the vicinity; 2) the importance of the site to visual amenity of area, and; 3) the nature conservation value of the site. The application site accommodates a kick-about area. As a result of the proposal the open space and kick-about area would be reduced and replaced by an indoor sports facility with other associated uses. An area of open space would be left at the southern end of the area. In terms of existing open space Drumgeith Park is just to the north of the application site. There are also other areas of open space in the vicinity. The application site is not considered to be of either particular visual importance or of nature conservation value. It is considered that given the nature of the proposed use and the open space in the vicinity the proposal is acceptable in terms of this 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:

- a Does the proposal comply with Policy 18 Major Leisure Uses of the Finalised Dundee Local Plan Review. This Policy is similar to Leisure and Tourism Proposal LT7 and states that the City Centre and District Centres will be the locations of first choice for major new leisure uses. Exceptions are also allowed for if the criteria set out above are met. It is considered that the proposal is in acceptable in terms of this Policy for the reasons already discussed under the consideration of the proposals against Leisure and Tourism Proposal LT7.
- b Does the proposal comply with Policy 66: Open Space Network. This Policy states that there is a presumption against the development of open spaces other than for small-scale complementary uses such as sporting, recreational or

- interpretative facilities. This Policy is subject to Pre Inquiry Changes approved by the Council. The main emphasis of the changed policy is basically the same but clarification is provided with regards to proposals that will affect open spaces. These are considered to be acceptable where the development is complementary in character, function and overall integrity of the open space; or the public benefits of the development clearly outweigh the value of the site to the character and amenity of the surrounding area. In addition, the Pre Inquiry Changes include Policy 66A, which covers the replacement of open space provision.
- c The proposal will result in an indoor sports facility open to the public and particularly young people. It is considered that the public benefits of the development clearly outweigh the value of the site to the character and amenity of the area. Given the proposed use and the close proximity of alternative open space it is considered that there is no requirement for the provision of replacement open space. The proposal is therefore considered to be in accordance with Policy 66 and the approved Pre Inquiry Changes to Policy 66.
- d National Planning Policy Guideline NPPG11 Sport, Physical Recreation and Open Space advises Councils to meet the sporting and recreational needs of residents, tourists and visitors, while safeguarding the quality of the natural and cultural heritage. In addition, it advises Councils to ensure that new sports facilities are readily accessible by public transport, cycling and on foot. The proposed development would provide for a purpose built indoor sports facility for residents and visitors alike. The open space that would be lost is not of particular importance and there is adequate provision within the surrounding area. The proposal is considered to be in accordance with the guidance set out in NPPG11.

- e Fifteen letters of objection were received from residents in the surrounding area raising concerns to the proposed development. The concerns raised are addressed in the following:
- 1 "the proposed development would result in the loss of an area of open space used by young people for football and dog walkers". As indicated above the proposal still leaves an area of open space to the south of the site. In addition, there is alternative open space nearby at Drumgeith Park.
 - 2 "the proposed development would increase the noise and disturbance in the general area from music played in the building and people using and congregating around the skatepark." All of the activities associated with the skatepark are indoors. The car parking area and the public entrance to the premises are screened by the building from the nearby residential properties. In addition, the site is on a busy junction with the Leisure Park to the west. It is considered that the proposal would not result in any significant increase in noise. In terms of music the Head of Environmental Health and Trading Standards has requested a condition to address this issue.
 - 3 "The proposed development would increase the levels of traffic in the surrounding area and result in problems of parking, access and congestion on Balunie Drive and parking problems in Douglasfield Crescent". While the skatepark will generate additional traffic the main users will be young people who may well walk or use public transport. Off street car parking is also provided within the grounds of the site. It is considered that the proposal would not generate traffic at a level that would result in significant problems of access, parking and congestion on Balunie Drive. In terms of potential parking problems in Douglasfield Crescent it is considered that given the access to the skatepark is from Balunie Drive only no parking problems would arise.

- 4 "The proposed development is too close to residential properties which, include sheltered accommodation". The proposed building is approximately 15 metres from the back gardens of the nearest houses and some 50 metres from the sheltered housing in Douglasfield Crescent. It is considered that the proposal would not have a detrimental impact on the amenities of nearby residents.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

Design

The proposed building is of a modern design using a mixture of masonry render and profile steel sheeting. The landscaping is to involve the provision of tree belts at the southern and eastern boundaries of the site to reinforce the trees to the north. The proposal is considered to be of a good quality design and appropriate for the site and location.

CONCLUSION

It is considered that the proposed development is in accordance with Employment Policy 5 of the Dundee and Angus Structure Plan 2001-2016, the Leisure and Tourism Proposals and Open Space Policies of the Dundee Local Plan 1998 and Policies 18 and 66 of the Finalised Dundee Local Plan Review. In addition, it is considered that the concerns raised by objectors are not of sufficient weight as to warrant refusal of the application.

RECOMMENDATION

Recommendation 1

In terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 1997, if Members are minded to approve the planning application it will be necessary to refer it to the Scottish Ministers due to the Council having a financial interest in the site

and the level of objection raised to the proposed development.

Recommendation 2

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 That a scheme of landscaping be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out only in full accordance with such approved details.
- 3 The range of goods to be sold from the shop unit shall be limited to skating and related equipment.
- 4 The gross floor area of the shop unit shall extend to no more than 40 sq. metres and no separate external access to the shop unit will be permitted.
- 5 Samples of all finishing materials shall be submitted to the Council for approval prior to the commencement of development and if approved the proposed development shall be carried out using only the approved materials
- 6 All amplified music and vocals shall be so controlled as to be inaudible within the nearest residential property.
- 7 All mechanical and electrical plant shall not exceed NR35 as measured 1 metre from the façade of the nearest residential accommodation.

Reason

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To ensure that the development has a satisfactory standard of appearance.
- 3 To ensure that the proposal is in accordance with the retailing policies of the development plan.
- 4 To ensure that the shop unit does not expand in floorarea without the permission of the Council and

that it does not operate independently from the proposed skatepark.

- 5 To ensure that the proposed development is of a satisfactory standard.
- 6 In the interests of the amenities of the surrounding residents.
- 7 In the interests of the amenities of the surrounding residents.