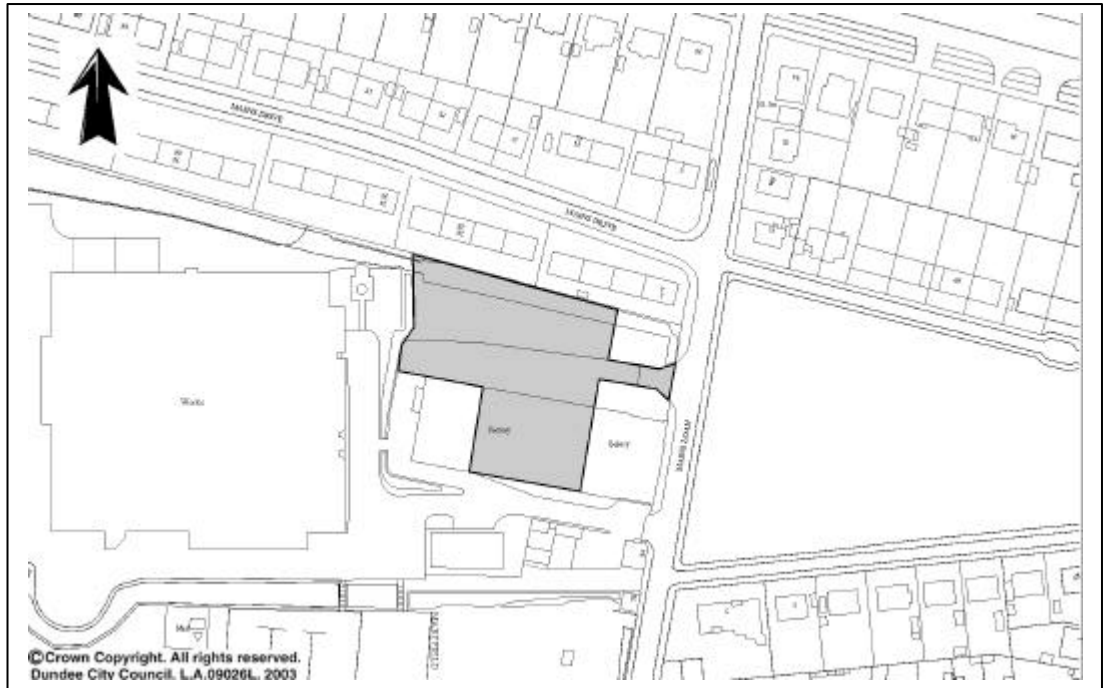


KEY INFORMATION**Ward** Stobswell**Proposal**

Change of use from food manufacturing and visitor centre to children's play centre

AddressUnit 1 Keillor Buildings
Mains Loan
Dundee
DD4 7BT**Applicant**Jungle Kids Ltd
Dronley Road
Birkhill
Angus DD2 5QD**Agent**Leadingham Hynd
Partnership
18 South Tay Street
Dundee DD1 1PD**Registered** 7 September
2004**Case Officer** C Walker

Proposed Play Centre in Mains Loan

The Change of use from food manufacturing and visitor centre to children's play centre is **RECOMMENDED FOR REFUSAL**. Report by Director of Planning and Transportation

RECOMMENDATION

The proposed development contravenes policies in the adopted and the Finalised Local Plans which relate to non industrial/business development in industrial areas and the provision of major leisure developments in out of centre locations. It would also lead to pedestrian safety concerns. The application is therefore recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought to change the use of a large central unit in an industrial building to a children's play centre. Parking for up to 75 cars is indicated to the north of the building. The applicant operates the Jungle Kids children's play centre at Birkhill and he hopes to relocate that facility to the application site.
- In the adopted Local Plan the site is allocated as a general industrial area under Policy EU1. In addition Policy LT7 states that major leisure and recreational developments should be directed to the city centre, district centres and the existing leisure parks. Policy H1 protects residential amenity. The policy framework in the Finalised Local Plan Review is similar to the adopted Plan. Policy 26 allocates the site as a General Economic Development Area, Policy 18 directs major leisure uses to the city centre, district centres and the existing leisure parks and Policy 1 protects residential amenity.
- 4 letters were received from the occupiers of nearby dwellings and 2 from adjoining businesses who are concerned about an increase in traffic volumes with parking difficulties resulting in an overspill onto adjoining streets and conflicts with industrial traffic, increased noise from the premises and the safety of children accessing the premises. A letter of support was received from a member of the public stating that the development would be more accessible than the Birkhill facility.
- The proposed development contravenes policies in the adopted and the Finalised Local Plans which relate to non-industrial/business development in industrial areas and the provision of major leisure developments. It would also lead to pedestrian safety conflicts between users of the proposed facility and light industrial traffic connected with the adjoining industrial units.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a large central unit in an industrial building to a children's play centre. The applicant is Jungle Kids Ltd who operate a similar facility in Birkhill. The unit measures some 1,000 sq. metres. The internal layout indicates a large play area and a smaller canteen area. No elevational alterations have been indicated. Parking for up to 75 cars is indicated to the north of the building, with an additional area set aside for parking for the adjoining bakery to the east. The proposed hours of operation are 11.00 hours to 19.00 hours 7 days a week.

The applicant hopes to relocate from Birkhill to the application site. A letter in support of the application has been submitted which states the following:

- a The applicants would like to move into the city to a more central and more accessible location both in terms of public transport and visitors by car.
- b The previous use of the site as Shaws Sweet Factory resulted in frequent visits by tourists and locals. The building is well separated from housing and the parking area is screened by a hedge.
- c The proposals for parking (which will be exclusively for the applicants business) involves more spaces (75 as opposed to 62) and for a slightly smaller unit than the Birkhill facility. The adjoining bakery mainly operates from 10 pm to 8 am so that conflicts between vehicles using the bakery and the play centre should be negligible.
- d A search for suitable sites has been undertaken but older industrial areas have insufficient parking and the leisure park operators have either not responded to their inquiries or sought rents that were unviable for the business.

SITE DESCRIPTION

The site comprises a vacant industrial unit and a parking area to the north, all within an industrial complex at 32-34 Mains Loan. The central unit the

subject of this planning application extends to some 1,000 sq. metres within a building with a plan area of some 2,600 sq. metres. The units on either side are occupied by a bakers to the east and an office furniture and stationery business to the west. The bakers' uses the mutual parking area for parking and servicing and the office business uses it for servicing (with its customer and staff entrance taken from a different location). The mutual parking area is not marked out in spaces and is surfaced in a mixture of concrete, tarmac and gravel. It is accessed from a gateway on Mains Loan to the east and sits high above 4 in a block flats at Mains Drive to the north. A screen of conifer trees has been planted to the rear of these flats.



To the south and west of the site is the remainder of the industrial complex at 32-34 Mains Loan. To the east, on the opposite side of Mains Loan, is an area of unmaintained open space associated with the houses on Mains Terrace.

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:

The site is allocated as a general industrial area under Policy EU1. In addition Policy LT7 states that major leisure and recreational developments should be directed to the city centre, district centres and the existing leisure parks. The proposal has been advertised as contravening both these policies.

Policy H1 protects residential amenity.

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:

The policy framework is similar to the adopted Plan. Policy 26 allocates the site as a General Economic Development Area, Policy 18 directs major leisure uses to the city centre, district centres and the existing leisure parks and Policy 1 protects residential amenity.

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 proposed development reuses an existing building and to this extent is considered to be sustainable.

SITE HISTORY

Planning permission was granted in October 1995 to change 15% of the floor area of this unit to form a visitor centre - application ref. no. D21093 refers. This permission established Shaws Sweet Factory within the premises.

An application for planning permission to change the use of these premises to a children's play centre was withdrawn by the applicants in January 2004 before it was considered by Committee. That application was identical to the current proposals and it had been recommended for refusal

(application ref no 03/00856/COU refers).

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the proposal was advertised both as a bad neighbour development and as contravening Policies EU1 and LT7 of the adopted Local Plan. 6 letters were received stating concerns about the proposed development. 4 of these letters objecting to the development were received from the occupiers of nearby dwellings. The concerns of the objectors relate to an increase in traffic volumes with parking difficulties resulting in an overspill onto adjoining streets and conflicts with industrial traffic, increased noise from the premises and the safety of children travelling to and using the parking area for the proposed play centre.

2 of the letters were from businesses within the Keillor complex, 1 objecting to the development and 1 stating concerns about the proposal. Their concerns relate to increased traffic generation, lack of parking facilities, disturbance to business users, flooding and the safety of children in the parking area.

Finally a letter of support was received from a member of the public who felt that the development would provide a more accessible children's play centre and would benefit the area.

Copies of all these letters are available for inspection in the Members Lounges and the issues raised are considered in the Observations Section of this Report.

CONSULTATIONS

The Environmental Health and Trading Standards Department has requested that if planning permission is granted for this development then a condition should be attached to ensure that any amplified music and vocals from the premises is inaudible from the nearest residential premises.

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 proposed development is for a significant leisure use of some 1,000 square meters within this general industrial area. The development therefore contravenes Policy EU1 which contains a presumption against uses other than industrial and business uses. It does not benefit from the exceptions to this policy as it is not on the periphery of the industrial area and is not a use offering significant new employment. Furthermore it does not benefit from Policy EU1(E) because it conflicts with sub sections (A) (its not on the periphery), (B) (it cannot be independently accessed) and (D) (it has not been vacant for over 5 years).

In addition Policy LT7 states that proposals for major leisure developments should be located in the identified leisure parks, the city centre or district centres or on adjacent sites. New out of centre locations are not favoured unless they meet with certain criteria but this proposal does not meet criteria (a) because it does not provide for significant improvements in the distribution and accessibility of leisure provision; (b) because there are suitable alternative sites in the identified locations and (e) because the proposal is not consistent with the other policies of the Plan (it contravenes Policy EU1).

Policy H1 protects residential amenity. Local residents are concerned, amongst other matters, about traffic and parking problems and noise from the premises. The building is some 42 metres from the nearest houses and it is considered that noise from the premises can be controlled by suitable attenuation measures. Noise from traffic using the premises is also an issue but taking into account the proposed restricted hours of operation and the fact that industrial traffic is entitled to use this area it is not considered that there will be an unacceptable level of noise associated with the development.

Parking provision is an issue which concerns local residents and which has been a problem at the Jungle Kids facility in Birkhill. Although the applicants state that there will be 75 parking spaces to serve the

development, this makes no provision for servicing the unit to the west. Although the applicants claim that this unit can be serviced from a different location at present it is not and the operator points out that he has concerns about vehicle conflict. Very little provision is made for parking and servicing for the bakery unit to the east. In addition the Birkhill facility has resulted, in the past, in severe parking problems in surrounding streets, particularly at weekends when the facility was operating at maximum capacity. Informal discussions with the Roads Section of Angus Council suggest that the former difficulties have now been resolved. Although it is difficult to assess the parking requirements for this development, it is considered that the provision of 75 spaces should prove to be adequate and any difficulties in this respect will not be so persistent as to have an adverse impact on residential amenity such as to conflict with Policy H1 of the adopted Local Plan.

It is concluded from the foregoing that the proposal does not comply with Policies EU1 and LT7 of the adopted Local Plan.

Other Material Considerations

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

- a The Finalised Dundee Local Plan Review
- b The points made by the applicants in favour of the proposal
- c The views of objectors
- d The relationship between the proposed children's play centre and the adjoining industrial units.

The policies in the Finalised Local Plan are broadly similar to those in the adopted Local Plan and therefore the proposed development fails to comply with Policies 26 and 18 for the same reasons as it fails to comply with Policies EU1 and LT7 of the adopted Local Plan (and equally complies with Policy 1 of the Finalised Plan).

In terms of the letter in support from the applicants and a member of the public the following comments can be made:

- i Although Mains Loan is a much more central location than Birkhill, it is not particularly well

- served by public transport and certainly not as well served as the existing leisure parks in the city.
- ii The previous use as Shaws Sweet Factory still maintained a predominant industrial use. The consent that was issued was restricted by conditions to be ancillary to the prime industrial use and to occupy only a small portion of the building. It is not considered that it sets a precedent for a non industrial use on the site.
 - iii It is accepted that the proposals for car parking are adequate in terms of numbers, although there are concerns about the safety aspects of the arrangements.
 - iv The search for alternative sites does not appear to have established that there is no suitable site within an area allocated under Policy LT7. In particular the discussions with the operators of the Eclipse Leisure Park at Douglasfield indicate that there is a suitably sized unit available. Planning permission was granted to change part of the ground floor of the cinema building to a children's play centre in 2001 (application ref. no. 01/30272/COU) but that consent was never implemented. The fact that premises in an allocated area might be more expensive than at the application site is not a material planning consideration.

The views of the local residents who objected to the proposed development have been considered in terms of the assessment of the proposed development under Policies H1 and EU1 of the adopted Local Plan. The concerns of other business users are similar in nature, but emphasize the difficulties the development would cause them in the operation of their businesses.

As has been previously outlined, it is not considered that the impact of the proposed development on residential amenity will be such as to justify the refusal of planning permission. However the relationship between the proposed children's play centre and the adjoining industrial units is likely to lead to difficulties. It would be inappropriate to have a car park for this development which will potentially have light industrial traffic

travelling through it. This type of relationship is likely to lead to pedestrian safety problems and it does not appear to be possible to separate the car park from the other industrial uses.

Concerns about flooding were raised but this is a matter of surface water run off problems encountered in the extreme conditions experienced in August this year. It is not considered that this issue is central to the determination of this application.

It is concluded from the foregoing that the material considerations all generally weigh against the granting of planning permission. It is therefore recommended that planning permission be refused.

Design

This is a change of use application where no elevational alterations to the building are proposed so there are no design issues to be considered at this stage.

CONCLUSION

The proposed development contravenes policies EU1 and LT7 in the adopted Local Plan and policies 26 and 18 of the Finalised Plan which relate to non industrial/business development in industrial areas and the provision of major leisure developments. There are no material considerations that would justify approving the proposed development contrary to the policies in the adopted Local Plan. It would also lead to pedestrian safety conflicts between users of the proposed facility and light industrial traffic connected with the adjoining industrial units.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reason(s):-

Reason

- 1 The proposed development would contravene Policy EU1 of the adopted Dundee Local Plan 1998 because it would establish a use other than an industrial or business use in a designated General Industrial Area and there are no material considerations that would justify the approval of the development contrary to the

provisions of the Development Plan.

- 2 The proposed development would contravene Policy LT7 of the adopted Dundee Local Plan 1998 because it would establish a major leisure use in a new out of centre location which has not been allocated under the terms of that policy and there are no material considerations that would justify the approval of the development contrary to the provisions of the Development Plan.
- 3 The proposed development would contravene Policy 18 of the Finalised Dundee Local Plan Review because it would establish a major leisure use in a new out of centre location which has not been allocated under the terms of that policy.
- 4 The proposed development would contravene Policy 26 of the Finalised Dundee Local Plan Review because it would establish a non industrial use outwith Classes 4,5 and 6 in a General Economic Development Area.
- 5 The proposed development would be contrary to pedestrian safety because it would result in the provision of a car park for a children's play centre which potentially would have light industrial traffic passing through it and where it would not be practical to separate the car park from the adjoining industrial uses.