

# Out of Centre Leisure Development

## KEY INFORMATION

**Ward** North East

### Address

Site 1 Forties Road  
Baldovie Industrial Estate

### Applicant

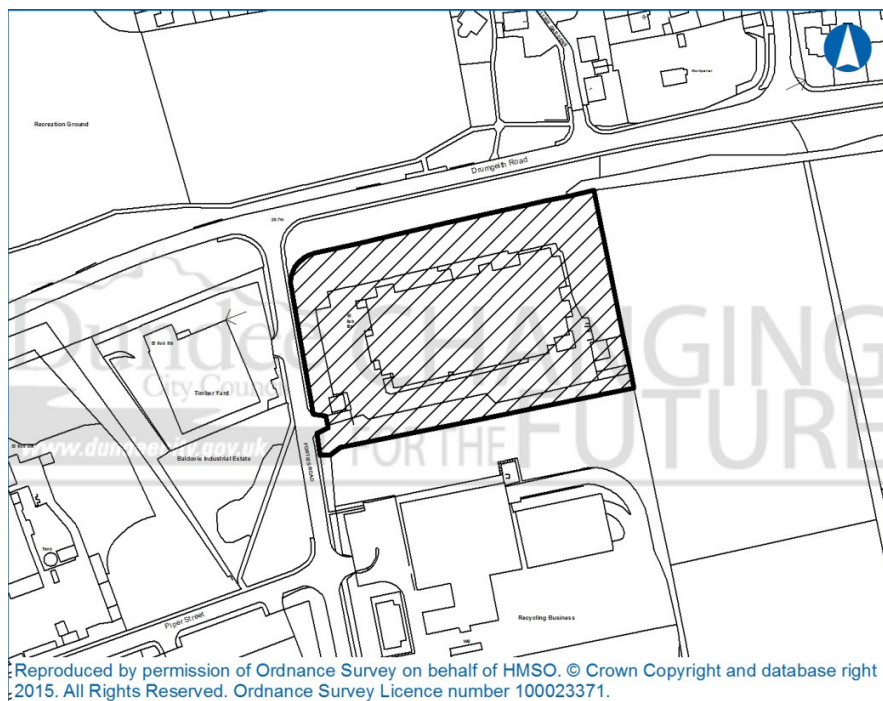
Active Soccer  
Sunrise House  
Hulley Road  
Macclesfield  
Cheshire SK10 2LP

### Agent

Michael Rogers  
LJR&H Architects  
18 South Tay Street  
Dundee DD1 1PD

**Registered** 21 July 2015

**Case Officer** Paul Macari



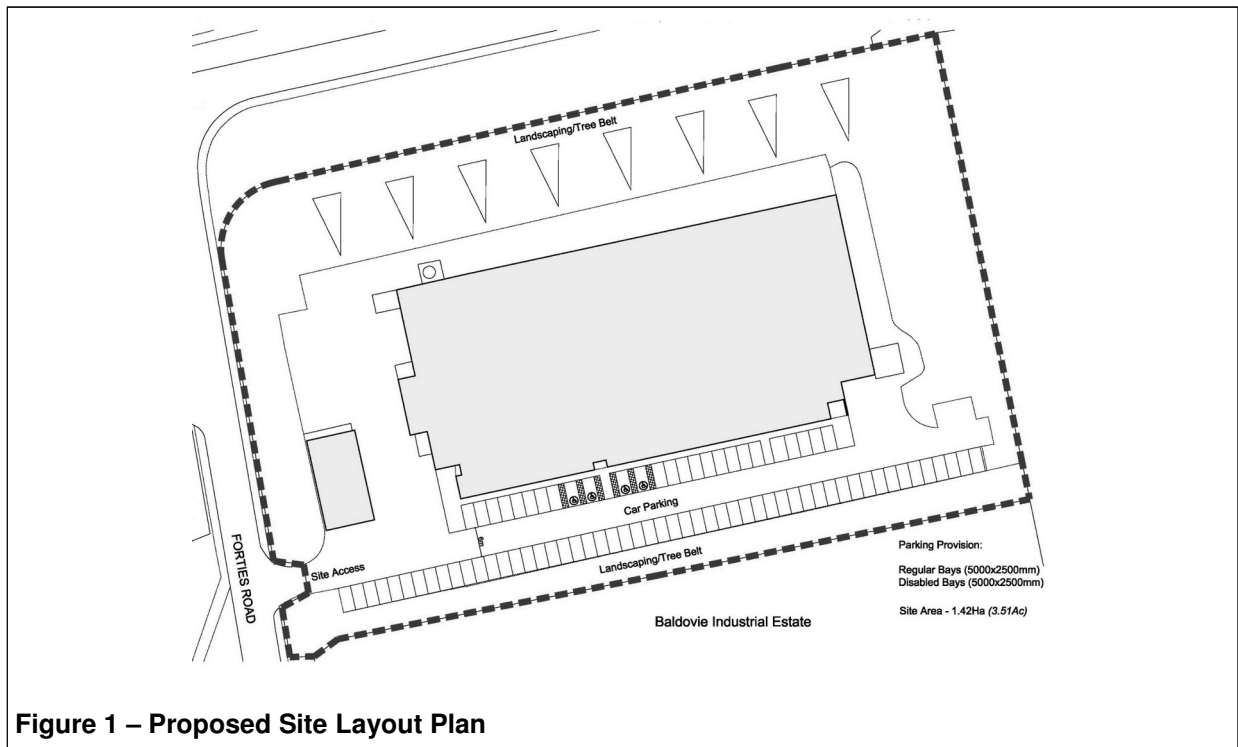
## SUMMARY OF REPORT

- This application seeks planning permission for the conversion of an existing industrial unit to form an indoor football and multi-sport centre at Site 1 Forties Road, Baldovie Industrial Estate, Dundee.
- The proposal is contrary to Policies 3 (General Economic Development Areas) and 5 (Tourism and Leisure Developments) of the Dundee Local Development Plan.
- One letter of objection has been received raising concern that the proposal is contrary to the requirements of the Dundee Local Development Plan
- Leisure and Culture Dundee has raised concern that the proposal will undermine the objectives of publicly available and community sports facilities in the local area.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/simpleSearchResults.do?action=firstPage>.

## RECOMMENDATION

**The proposal fails to satisfy the requirements of the Development Plan. There are no material considerations that would justify approval of planning permission. Therefore, it is recommended that this application be REFUSED.**

## 1 DESCRIPTION OF PROPOSAL



**Figure 1 – Proposed Site Layout Plan**

- 1.1 This application seeks planning permission for the conversion of an existing industrial unit to form an indoor football and multi-sport centre at Site 1 Forties Road, Baldovie Industrial Estate, Dundee.
- 1.2 The proposals will not involve any external alterations to the existing building.
- 1.3 Internally the building will be altered to form five football pitches and a multi-sport pitch. The pitches will be formed centrally on the former industrial floor. A corridor located around the perimeter of the pitches will provide access and a means of escape in emergencies. Within the administrative block of the existing industrial unit it is proposed to create a cafe, changing and WC facilities, a gym and storage areas.
- 1.4 The proposed indoor football and multi-sport centre will be served by 78 curtilage parking spaces.
- 1.5 The proposed indoor football and multi-sport centre will be operated by Active Soccer. The application is accompanied by a supporting statement and Active Soccer brochure as well as letters of support from Dundee and Dundee United Football Clubs.
- 1.6 In accordance with the Council's Scheme of Delegation this application is being reported to the Development Management Committee at the request of an elected member.

## 2 SITE DESCRIPTION

- 2.1 The application site is located on the eastern corner of the junction between Forties Road and Drumgeith Road within the Baldovie Industrial Estate.

2.2 The application site comprises of a large industrial building positioned centrally within the site. To the south and west of the building there is a large car park and vehicle turning area. Access to the site is taken from Forties Road. There is a large vehicle access in the south western corner of the site with a small security kiosk providing secure entry to the premises. The site is enclosed by 2-3m high steel mesh and post fencing.

2.3 Surrounding the site are a variety of industrial uses including a waste transfer station, waste incinerator, auto breakers, scrap yards and wholesalers.

2.4 The application site is located within a general economic development area designated by the Dundee Local Development Plan 2014.

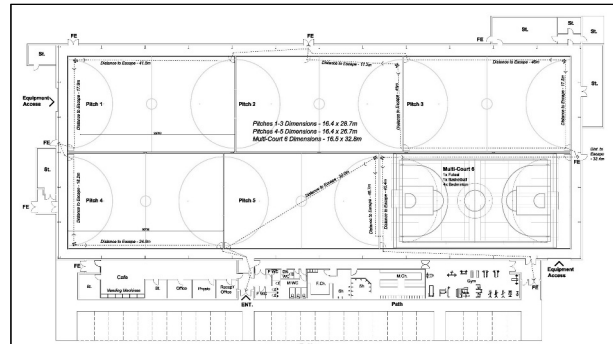


Figure 2 – Proposed Floor Plan

### 3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

**TAYPLAN STRATEGIC DEVELOPMENT PLAN 2012-2032**

Policy 3: Protecting Tayplans Assets

**DUNDEE LOCAL DEVELOPMENT PLAN**

Policy 3: General Economic Development Areas  
 Policy 5: Tourism and Leisure Developments

**SCOTTISH PLANNING POLICY, PLANNING ADVICE NOTES AND CIRCULARS**

Scottish Planning Policy 2013

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.



Figure 3 – View of Northern Boundary of Application Site Looking East Along Drumgeith Road



Figure 4 – View of Application Site From Piper Street

---

## 4 SITE HISTORY

---

- 4.1 Planning application ref: 10/00436/FULL was granted planning permission for the conversion of the existing industrial unit to form a Go-Kart Centre at Site 1 Forties Road Dundee.
- 4.2 Planning application ref: 11/00026/FULL sought permission for the conversion of a vacant industrial unit to form an indoor football centre at Site 1 Forties Road, Dundee. This application was refused planning permission as the proposals were contrary to the requirements of Policies 18 and 26 of the Dundee Local Plan Review 2005.
- 4.3 The applicant appealed the decision made by the Director of City Development in relation to planning application ref: 11/00026/FULL to the Council's Local Review Body. The Local Review Body concluded that not only was the proposed development contrary to the requirements of Policies 18 and 26 of the adopted Local Plan but the proposals also failed to satisfy the requirements of Town Centres and Retailing Policy 5 and Employment Policy 2 of the Dundee and Angus Structure Plan. Consequently the Council's Local Review Body refused planning permission for the proposed conversion of a vacant industrial unit to form an indoor football centre at Site 1 Forties Road, Dundee.
- 4.4 Planning application ref: 12/00496/FULL sought planning permission for the conversion of a vacant industrial unit to form an indoor football centre at Site 1 Forties Road, Dundee. This application was refused planning permission as the proposals were contrary to the requirements of Policies 18 and 26 of the Dundee Local Plan Review 2005 and Policies 3 and 5 of the proposed Dundee Local Development Plan.
- 4.5 The applicant appealed the decision to refuse planning permission to the Council's Local Review Body. The Local Review Body also refused planning permission for the proposed indoor football centre because the proposal was contrary to the requirements of Policies 18 and 26 of the Dundee Local Plan Review 2005. The Review Body also concluded that the proposal did not satisfy the Scottish Planning Policy with regard to the Town Centres and Retailing requirements. In particular the proposal failed to satisfy the criteria of the sequential test for site selection.

---

## 5 PUBLIC PARTICIPATION

---

- 5.1 The statutory neighbour notification requirements have been fulfilled and the application has been advertised in the Dundee Evening Telegraph.
- 5.2 One letter of objection has been received raising concerns that the proposal is contrary to the Dundee Local Development Plan. The objection also raises concerns that are not material planning considerations such as business competition.
- 5.3 Letters of support from Dundee and Dundee United Football Clubs were submitted with the application. The letters of support are positive about the creation of indoor football facilities and coaching that will be available to paying customers and express an interest in training facilities during winter months.
- 5.4 Members will already have access to the letters of objection and the issues raised are considered in the Observations section below.

## 6 CONSULTATIONS

- 6.1 **Leisure and Culture Dundee** – has objected to the proposed development as it is contrary to the requirements of the Development Plan and will undermine the objectives and viability of publicly available sporting facilities in the city.
- 6.2 **The Head of Environmental Protection** – has raised concerns relating to noise generated by M and E plant and contamination from historic land uses. These matters can be addressed by a condition and an informative should planning permission be granted.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

The provisions of the development plan relevant to the determination of this application are specified in the Policy Background section above.

#### TAYPLAN STRATEGIC DEVELOPMENT PLAN

- 7.2 **Policy 3: Protecting TAYplans Assets** - this policy requires participating authorities to identify and safeguard at least 5 years supply of employment land within principal settlements to support the growth of the economy and a diverse range of industrial requirements.
- 7.3 The aspirations of Policy 3 are satisfied by Policy 3 (General Economic Development Areas) of the Dundee Local Development Plan which safeguards land allocated for general economic development for uses falling within Classes 4, 5 or 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 or wider industrial purposes only.
- 7.4 At present there is a supply of economic development land within Dundee that exceeds the requirements of Policy 3. Therefore, the loss of this site to a use outwith Classes 4, 5 or 6 of the Use Classes Order would not contravene Policy 3 of Tayplan Strategic Development Plan.

#### DUNDEE LOCAL DEVELOPMENT PLAN

- 7.5 **Policy 3: General Economic Development Areas** - Policy 3 stipulates that development proposals within general economic development areas of the city will be restricted to uses falling within Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) of the Town and Country Planning (Use Classes)(Scotland) Order 1997. Policy 3 also states that other uses of a wider industrial nature such as car showrooms, wholesaling and scrap yards may be permitted provided:
- 1 there is no detrimental impact on neighbouring uses and local residential amenity;
  - 2 there is no unacceptable traffic impact; and
  - 3 the scale of development is appropriate to the size and location of the site.

- 7.6 The proposed use of the premises as an indoor football and multi-sports centre falls within Class 11 (Assembly and Leisure) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and not Class 4, 5 or 6. The proposed indoor football and multi-sports centre is not of a wider industrial nature similar to the existing scrap yards or wholesalers within Baldovie Industrial Estate. Therefore the proposal does not comply with the requirements of Policy 3 of the Dundee Local Development Plan.
- 7.7 **The proposal contravenes Policy 3.**
- 7.8 **Policy 5: Tourism and Leisure Developments** - this Policy recognises that tourism and leisure are important economic activities for a city and can generate a wide range of opportunities for business and employment opportunities for residents. Dundee's growing reputation for tourism and cultural activity will be promoted through the encouragement of a wide range of cultural and leisure related facilities. The main focus and location for new developments of this nature will be the City Centre, District Centres and existing Leisure Parks.
- 7.9 Part B of Policy 5 states that proposals for major leisure uses will be directed firstly towards the City Centre and the District Centres followed by the existing leisure parks at Douglasfield and Camperdown and to The Stack to support its redevelopment. Proposals for leisure developments outwith these locations will only be acceptable where it can be established that:
- 1 no suitable site is available, within and thereafter on the edge of the City Centre or District Centre or within the existing leisure parks; and
  - 2 individually or cumulatively it would not prejudice the vitality or viability of the City Centre or District Centres; and
  - 3 the site is readily accessible by modes of transport other than the car; and
  - 4 activity-specific issues indicate that this is impractical.
- 7.10 The supporting statement accompanying this application makes reference to the sequential approach to site selection identified by Criterion 1 but does not contain any evidence that other available sites within the city's commercial centres have been considered. Instead the supporting statement asserts that "there are no locations or properties with the required floor space or site area within, or on the edge of the City Centre, or any commercial centres identified in the Development Plan."
- 7.11 The supporting statement fails to recognise that there are sites within Douglasfield Leisure Park, Camperdown Leisure Park, the Stack, City Centre and district centres that are available for leisure development within Class 11. Without specifying the floor or site area required for the proposed development it is not possible to discount the available sites.
- 7.12 Members are reminded that this is the third application by the owner of the application site that seeks to establish an indoor football centre at this location. The previous two applications have been refused under delegated powers and by the Council's Local Review Body because the location of the application site is not suitable for leisure development and that there are other available sites within the City Centre, District Centres and Leisure Parks that could accommodate this development.
- 7.13 No evidence has been provided by the applicant to demonstrate that circumstances have changed since the previous refusals of planning permission.

- 7.14 **Therefore, the proposal is contrary to Criterion 1.**
- 7.15 Criterion 2 of Policy 5 Part B requires proposals involving leisure development outwith the City Centre or District Centres designated by the Development Plan not to individually or cumulatively prejudice the vitality or viability of these areas of Dundee.
- 7.16 The location of an indoor football and multi-sports centre within Baldovie Industrial Estate would not adversely impact on the vitality or vibrancy of the City Centre or designated District Centres. Conversely, the location of the proposed development within the City Centre and District Centres would enhance their vitality, vibrancy and attraction.
- 7.17 **The proposal satisfies Criterion 2.**
- 7.18 Criterion 3 requires out of centre leisure developments to be readily accessible by modes of transport other than the car. The transport statement submitted in support of the proposed development demonstrates that as well as providing customer car parking facilities, the application site is served by public transport, is adjacent to the core path network through the city and is less than a mile from the Green Circular cycle route.
- 7.19 **The proposal satisfies Criterion 3.**
- 7.20 Criterion 4 of Policy 5 Part B states that proposals for leisure developments outwith the City Centre, District Centres and Leisure Parks will only be acceptable where it can be established that activity-specific issues indicate that locations within such commercial centres are impractical.
- 7.21 The Supporting Statement highlights that the cost of a new building prohibits the applicant from developing within the City Centre, District Centres and Leisure Parks leaving only the application site as a commercially viable option.
- 7.22 The supporting statement stipulates that the purpose of redeveloping the existing industrial building at Site 1 Forties Road is to provide sporting facilities in the east of Dundee and that in the current economic climate "the provision of ANY sporting facility is difficult".
- 7.23 The reasoning detailed within the supporting statement for an out of centre location is not activity related but relates to the costs involved in creating an indoor football and multi-sports centre within the permissible locations designated by the Development Plan.
- 7.24 **The proposals therefore fail to satisfy the requirements of Criterion 4.**
- 7.25 **The proposal contravenes Policy 5.**

## **OTHER MATERIAL CONSIDERATIONS**

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

### **A - SUPPORTING INFORMATION**

- 7.27 An Active Soccer Brochure, supporting statement and letters of support from Dundee and Dundee United Football Clubs form part of the application submission for the proposed development.
- 7.28 The brochure gives an insight into how Active Soccer indoor football and multi-sport centres operate. Active Soccer is a franchise with each franchise owner responsible for employing

suitably qualified coaches to work with the adults and children that pay to use the facilities available.

- 7.29 The supporting statement provides an introduction to Active Soccer, the planning history of the application site, a short analysis of the relevant national and local development plan policies and concludes by outlining reasons why members should support the proposed development.
- 7.30 In the analysis of national policy the supporting statement makes reference to the Scottish Planning Policy 2013 and the importance of locating new commercial developments in designated commercial centres. The statement also highlights the need to sequentially justify out of centre locations for new commercial developments to demonstrate that the chosen location is the most appropriate for the development proposed. However, as detailed in the assessment of the proposal against Policy 5 of the Local Development Plan the supporting statement does not list any of the available commercial properties within permissible locations of the city or give reasoned justification for discounting them.
- 7.31 The supporting statement also states that “there is clearly a qualitative and quantitative deficiency to meet the demand for such a facility, and the aspirations of Active Soccer to operate their programme in the north and north-east of the city of Dundee.”
- 7.32 Members should note that since 2009 there have been several sports developments serving the communities of Whitfield, Craigie, Fintry and Douglas. These developments have involved the creation of new indoor and outdoor sports facilities at Whitton Park, Monymusk Park, Huntly Square, Caird Park and Craigie High School by grassroots community organisations (Dundee United Sports Club and Dundee East Community Sports Club) and the Council. The developments have involved the creation of an all weather sports pitch, changing and welfare facilities at Whitton Park; new indoor training and changing facilities at Huntly Square and a velodrome as well as golfing and welfare facilities at Caird park. Construction has also begun on a new all weather sports pitch and associated changing and storage facilities for use by Craigie High School and Dundee United Sports Club on the site of the former blaze sports pitch at Craigie High School.
- 7.33 The sports clubs are non-profit making organisations set up and run by local people to coach local children and engage with the communities of Douglas, Fintry, Whitfield and Craigie. The provision of a privately run sports centre at this location would impact on the viability of these organisations which would be to the detriment of the health and wellbeing of the communities they serve.
- 7.34 Following the analysis of the Scottish Planning Policy, the supporting statement turns to Tayplan Strategic Development Plan. In highlighting the requirements of Policy 3 the supporting statement concludes that at present Dundee has a surplus of designated economic development land above the five year supply that should be safeguarded.
- 7.35 The proposed development by virtue of scale will not adversely impact on the current economic development land supply within the city. A material consideration in previous planning decisions relating to this particular site was the safeguarding of the building for investment by companies within the renewables sector. The main reason for this was to aide job creation within the city.
- 7.36 Even though investment in the application site has not come to fruition a surplus in economic development land does not justify the approval of planning permission. Baldovie Industrial Estate is associated with the city’s remaining heavy industrial sectors providing a location for the city’s municipal waste incinerator, a recycling centre, a waste transfer station, scrap yards and auto breakers. The introduction of a leisure use into a General Economic



Development Area characterised by heavy industry such as those listed above may prevent further investment from these industry sectors as well as impact on the operations of existing businesses. Consequently this would impact on job security as well as job creation.

- 7.37 The analysis of Policies 3 and 5 of the Dundee Local Development Plan fail to demonstrate compliance with the policy requirements. The supporting statement concedes that the most economic way to achieve an indoor football and multi-sports centre is to convert an existing industrial building. To justify this position comparisons are drawn between the previously consented indoor go-karting centre that was approved at this location and the current proposal.
- 7.38 The indoor go-karting centre merited an industrial location due to the level of disturbance generated by this type of use. In comparison there are many examples in Dundee of both private and Council run leisure centres located within residential areas of the city. The reason for this relates specifically to the low level of disturbance such facilities generate. Hence, the proposed indoor football and multi-sports centre does not merit an industrial location.
- 7.39 The supporting statement concludes by outlining reasons that support should be given to the proposed development. The reasons given relate to the creation of 30 jobs, the perceived deficiency in sports facilities in north east Dundee, the site being accessible, the site being extensively marketed without interest and that the proposal is supported by local professional football clubs.
- 7.40 Members should note that the supporting information does not include any details relating to the marketing of the application site. The supporting statement does not detail the types of jobs or contract hours of the 30 positions that this development would create should permission be granted.
- 7.41 The assessment of the proposal against Policy 5 of the Local Development Plan highlights that the application site is accessible by many modes of transport. However, this does not mean that the industrial location of the application site is safe given the demographic that this development is aimed at. There is a strong possibility that conflict between HGV's serving the existing businesses located in Baldovie Industrial Estate and cars, cyclists and pedestrians visiting the indoor football and multi-sports centre will occur. This is due to the high number of vehicle movements associated with the waste incinerator, waste transfer station, recycling centre, scrap yards and auto breakers located within Baldovie Industrial Estate.
- 7.42 The supporting information outlined above is not sufficient to support the approval of planning permission contrary to the requirements of the Development Plan.

#### **B - VIEWS OF OBJECTORS AND SUPPORTERS**

- 7.43 One letter of objection has been received. The valid concerns raised highlight that the current application is identical to the previous three applications to create an indoor football centre at this location. The concerns raised also highlight that like the current application all three previous applications have been contrary to the requirements of the Development Plan in relation to the location of leisure developments within the city and the use of general economic development land for leisure purposes.
- 7.44 The concerns of the objector have been addressed in the assessment of the proposal against the requirements of the Development Plan above. It has been concluded that the proposal is contrary to the requirements of the development plan.

- 7.45 The letters of support from Dundee and Dundee United Football Clubs are positive about the creation of indoor football facilities and coaching that will be available to paying customers and express an interest in the availability of training facilities during winter months.
- 7.46 **The valid concerns of the objector are supported.**

### **C - VIEWS OF CONSULTEES**

- 7.47 Leisure and Culture Dundee has objected to the proposed development. The grounds of objection relate to there being no evidence submitted with the application to justify an out of centre location. In addition it is also highlighted within the objection that following the previous refusal of planning permission and prior to the submission of the current application there have been further leisure and sports developments in the city. These developments include community sports hubs as well as the proposed Regional Performance Centre for Sport the viability of which would be compromised by a further indoor football and multi-sport centre within the city.
- 7.48 **It is concluded from the foregoing that the material considerations outlined above support the refusal of planning permission.**

---

## **8 CONCLUSION**

---

- 8.1 The proposal fails to satisfy the requirements of the Development Plan. There are no material considerations that would justify approval of planning permission. Therefore, it is recommended that this application be refused.

---

## **9 RECOMMENDATION**

---

- 9.1 It is recommended that consent be REFUSED for the following reasons:

### **REASONS**

- 1 The proposals fail to demonstrate that an industrial location is required for the proposed indoor football and multi-sports centre and that there are no sites available within or adjacent to the existing leisure parks, the City Centre or District Centres that could accommodate the proposed development. The proposals are therefore contrary to the requirements of Policy 5 (Tourism and Leisure Developments) of the Dundee Local Development Plan. There are no material considerations that would justify laying aside the provisions of the Development Plan to grant planning permission.
- 2 The use of the site for purposes out with Classes 4, 5 and 6 of the Use Classes Order 1997 in this identified General Economic Development Area would be contrary to the requirements of Policy 3 (General Economic Development Areas) of the Dundee Local Development Plan. There are no material considerations that would justify laying aside the provision of the Development Plan to withhold planning permission.