

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

24 APRIL 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/01583/FUL
OFFICER:	Carlos Clarke
WARD:	Leaderdale and Melrose
PROPOSAL:	Change of use from offices and alterations and extension to form gym/spa
SITE:	Office, West Grove, Waverley Road Melrose
APPLICANT:	Mr Douglas Crawford
AGENT:	Camerons Ltd

SITE DESCRIPTION

The site comprises part of a small complex of office buildings located on the corner of Waverley Road and High Cross Avenue, and alongside Tweedmount Road. It incorporates a single-storey, flat-roofed building on an L-plan that includes a chiropractor business to its eastern leg (not part of the application). The property is served by a parking area sited between it and a former church building to the south, now used as offices (previously water board and NHS offices). Another access to further parking spaces is located immediately to the north of the building and access is also available over the applicant's land to the south-east of the converted church onto Waverley Road. Tweedmount Road comprises a number of dwellinghouses to the north of this site.

PROPOSED DEVELOPMENT

This application seeks full planning permission to convert the building from office use to a leisure use comprising an exercise/works station, weight room, dance studio and spa, as well as associated ancillary facilities. External alterations include a canopy to the front, extending across the frontage of the adjacent chiropractor's. An extension is proposed to the western end to form a store, and other works include timber cladding, rendering and doorway alteration. Twenty parking spaces are proposed within the existing parking areas. Advertisements are proposed on the exterior though these do not fall for consideration here and will not require formal Advertisement Consent of the size proposed provided they are not illuminated.

PLANNING HISTORY

- Alterations to the building, including canopy, were approved under 15/00896/FUL in September 2015
- Conversion of the eastern leg of the building (outside this application site boundary) from Class 4 offices to Class 2 offices (for use by a chiropractor) was granted permission under 15/01203/FUL in December 2015
- A previous application (16/00518/FUL) for the same development as is currently proposed was withdrawn before determination in November 2016.

REPRESENTATION SUMMARY

Representations from seven households have been submitted, full copies of which are available on *Public Access*. In summary, the key objections that have been raised are:

- Parking is inadequate to serve the proposal and other businesses on the site, resulting in overspill parking onto Tweedmount Road
- The exit from the site onto Tweedmount Road is unsafe as is the exit onto Waverley Road. Improvements suggested by the Roads Planning Service do not go far enough.
- Impact of noise from the proposed use on residential amenity of the cul-de-sac, as well as related comings and goings of people and additional traffic in early morning and late at night
- There is overprovision of gym services in the area
- The change of use may potentially allow for other leisure and entertainment uses
- Harmful emissions from traffic volumes and revving of cars up exit slope
- Inconsistency in plans
- If approved, restrictions should be applied as regards noise; opening hours; parking on street; speed limits; as well as provision of road safety improvements, including changes to the exit. Neighbours should be informed of customer numbers and how parking will accommodate them

APPLICANT'S SUPPORTING INFORMATION

During the processing of the application, a Noise Impact Assessment was submitted on behalf of the applicant

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

PMD2 Quality Standards
PMD5 Infill Development
ED3 Town Centres and Shopping Development
IS7 Parking Provision and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
EP1 International Nature Conservation Sites and Protected Species
EP4 National Scenic Areas
EP8 Archaeology
EP16 Air Quality
HD3 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy 2014
PAN1/2011 Planning and Noise 2011

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: Have no objections in principle but raised issues in response to the original plans that they required to be addressed:

1. The existing informal one-way system works well and should be retained. How this is enforced and/or conditioned is a concern given that the site could potentially be split in two, as indicated by the different boundaries shown on the location plan.
2. The exit onto Tweedmount Road is excessive in gradient and has restricted visibility. Whilst the gradient can be accepted, the existing boundary treatments should be lowered over the first 1m on either side of the access so as to provide adequate visibility.
3. The parking level of 14 indicated in the application form differs from what is shown on the plan. The plan also includes a disabled bay and 5 spaces behind the building. Taking all these spaces into consideration the RPS is satisfied that there is satisfactory parking for the facility. The parking level is further supported by the fact that the demand on the parking from the two premises served by it will be at different times of the day.
4. There are two bays shown directly in front of the access to the building which are outwith the boundary for the site. If these are utilised, the access and egress associated with the gym will be adversely affected.
5. All parking bays should be a minimum of 5m x 2.5m. This may require the bays to be relined particularly along the front of the building where the supports for the canopy encroach into the existing parking bays.
6. There should be a minimum of two cycle racks provided, preferably covered.

Having read concerns previously raised for a similar proposal, whilst the RPS consider that the parking levels proposed within the site are adequate, as there are no parking restrictions on the neighbouring streets of Tweedmount Road, Waverley Road and High Cross Avenue, there is available parking within the vicinity of the building which should accommodate the traffic associated with the proposal. The existing traffic regulation orders in place should restrict vehicles parking in the immediate vicinity of any junctions. Given that the existing traffic speeds on Tweedmount Road are low, the RPS is satisfied that the visibility improvements mentioned above, and what is available on-site already, will result in an acceptable access arrangement. The visibility available at the junction with Waverley Road meets current guidance included in policy document Designing Streets. As such, there is no justification or reasoning for any reduction in the current speed limit.

A number of these issues were addressed during the application, and the RPS's response to the amendments is referred to in the assessment section of the report.

Environmental Health Service: No information has been provided on the ventilation to be used throughout the development or on equipment to be used for music playback and/or the PA system. The applicant should provide this information.

Lighting, particularly external lighting has the potential to affect residential amenity. The installation should be designed in accordance with the guidance produced by The Institution of Lighting Professionals. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.

The Noise Impact Assessment was submitted subsequent to the above comments and, in response, the EHS advise that they have no objections regarding noise subject to a

condition requiring that the development be operated in accordance with the noise assessment.

Archaeology Officer: There are no known archaeological implications

Statutory Consultees

Melrose and District Community Council: No comments

KEY PLANNING ISSUES:

Whether the proposed development would comply with planning policies with respect to the suitability of the proposed use in this location, particularly as regards its potential impacts on the residential amenity of the neighbouring area, and whether the proposed development would adversely impact on road or pedestrian safety as a result of traffic generation and parking implications

ASSESSMENT OF APPLICATION:

Principle

Local Development Plan Policy ED3 protects town centres, and applies to leisure developments as well as retail, aiming to encourage them within town centres. This proposal is not within the town centre boundary. However, it is relatively small, within reasonable walking distance of the town and easily accessible from it. Its location here would not likely risk the vitality or viability of the town centre.

The number of available gyms within the local area is not a planning policy consideration. This proposal will have no cumulative land use planning impacts with other such facilities that would be material to this application. The availability of alternative locations is also not a planning consideration when assessing this application.

The site is within the settlement boundary, and is not covered by any designation. Its development is potentially acceptable, subject to compliance principally with Policy PMD5. In this regard, a key consideration is the potential for conflict with other uses which, in this case, are predominantly residential. However, the building is already in non-residential use now, as it is in office use. It also shares a curtilage with other non-residential uses. It is located next to residential property on Tweedmount Road. However, it is located off the entrance to the cul-de-sac, from which traffic need not pass residential property on entering or leaving. Comings and goings of non-residential traffic occurs now, can continue to occur without any controls, and it does so in a manner which does not directly affect adjacent dwellinghouses. While a gym use may generate traffic earlier in the day and later in the evening than a standard office use, there is no stipulation that current offices cannot operate in a similar way. The applicant's operating hours are proposed as 6am-10pm with exercise classes run between 8am and 8pm. A condition can be applied to enforce these operating hours. It is not considered that traffic associated with this use would have an adverse impact on the amenity of neighbouring residents when operated in accordance with these hours. Road safety impacts are considered separately (see below).

The use itself, however, may generate noise from within the building, whether from activities such as dancing (including related music for this and gym activities) or from plant designed to ventilate the building. As such, the applicants were asked to submit a noise assessment that accounts for the risk to neighbours as a result of the proposed use and associated plant. In response, a Noise Impact Assessment has been submitted. In summary, this specifies a number of mitigation measures including:

- Overhauling existing windows by sealing existing gaps and refitting trickle vents
- Fitting secondary glazing in four windows where the dance studio is proposed
- Closing windows when classes with music/loud voices are undertaken
- Setting a noise level setting exercise for the music sound system and maintaining it at levels specified in the report, in order to achieve inaudibility in the nearest residential properties
- Specify ventilation equipment to comply with limits specified in the report, designed to comply with limitations recommended by the Environmental Health Service. Ventilation units comprise nine in total, one for the dance studio on the western elevation; one existing on the northern wall for a changing/shower room; and seven on the roof related to changing/shower room, spa, toilets, kitchen and treatment room. Ventilation would be operational only during the operating hours of the business (as above).
- The fan to the dance studio would be fitted with an acoustic attenuator

The assessment has now been endorsed by the Environmental Health Service. The measures recommended within it can be required by condition should consent be granted.

Traffic generation, access and parking

The site is accessible by foot and within walking distance of the town centre. It will share parking with other commercial uses. It has access available to it onto Tweedmount Road and via the applicant's property onto Waverley Road.

The current main car parking area operates on a one-way system, with egress onto Waverley Road. The RPS supports the system, and does not consider there will be safety implications of maintaining egress via Tweedmount Road (or onto Waverley Road from there), provided the visibility is improved at the site junction as recommended. This can be required by condition. Conditions of consent for this use, if granted, can maintain the one-way system (given the overall parking area is within the applicant's ownership) and prevent the site being sub-divided along the site boundary line (i.e. where it traverses the parking area). Upgrading directional signage can be required to support the system.

In terms of parking, the proposal would have twenty spaces dedicated to it. It is noted that the use would be formed alongside existing office based uses and there will be overlap between them. However, the RPS is content to endorse the parking provision proposed, as noted in their consultation comments. The existing building is capable of office use now that could generate significant parking requirements. The applicant has also confirmed that there will be a maximum of 40 occupants at any time within the proposed facility, which would be comparable with the lawful office use. A management plan for the operation of the facility can be required in order to limit occupancy as far as is reasonable and practical, and a condition can require relining to provide the required spaces of the size recommended by the RPS. Parking bays in front of the building are now shown as not affecting the entrance. The parking arrangement affects the position of two spaces required for the chiropractor's but these would still be capable of being provided. Concerns regarding overspill onto Tweedmount Road are acknowledged, but the RPS is content with the road safety implications. Existing traffic orders will prevent unsafe parking close to junctions. Two cycle racks have now also been included in the proposals

Neighbouring amenity impacts

If approved, the building could potentially later be operated for other entertainment purposes falling within the same class of the Use Classes (Scotland) Order 1997 i.e. Class 11. This

would include a cinema, concert hall or bingo hall. Though the building's capacity will be a limiting factor it would, in any case, be appropriate to restrict the use to that which is proposed here, otherwise it should revert to its lawful Class 4 office use. This is due to the potential amenity and parking implications of other uses within Class 11. A condition can require this.

Lighting has the potential to affect the amenity of other properties, as noted by the Environmental Health Service. However, no free-standing lighting is proposed here, and lighting attached to the building would be capable of being provided now for the offices. An informative note can cover this aspect.

The external alterations to the building would not have implications for neighbouring amenity in terms of daylight, sunlight, privacy or outlook loss. The building has windows to the rear facing a neighbouring property, however, no alterations to them are proposed and the building already generates office activity, so there will be no material privacy implications from the proposed change of use.

Air quality

The use will not generate air quality impacts of concern. Ventilation will be provided. It is accepted that traffic will generate emissions, however, the level of traffic associated with the use, in comparison with the traffic potential of the lawful use, does not suggest this matter will have particular implications that would undermine the acceptability of the proposal. The EHS has not raised any concerns in this regard.

Visual Impacts

The building would be rendered and timber clad. This will enhance the building, and is acceptable in this setting. A canopy is proposed which would be virtually identical to that previously granted permission (15/00896/FUL). It would be white painted steel with a clear roof, onto the frontage of the proposed gym and adjacent office building. The end of the building already has a canopy. The proposed canopy would be visually acceptable in this setting, as would an associated altered door entrance. A store extension is proposed that would also be complementary to the building. Ventilation units are proposed including seven on the roof. However, the applicant's agent has confirmed these will all be below the parapet. A further unit is proposed on the west side, which is visually acceptable at the size proposed.

Ecology

There are no ecological designations, no mature tree removals and the building is not ideally suitable for bat or bird habitat.

Archaeology

There are no known implications

Services

The existing building has existing water and drainage. There would be no surface water implications that require to be addressed, as the existing parking area is tarred, below the road, and any storm water implications from the extension will be for the Building Warrant. Existing bin storage is not affected.

CONCLUSION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to the following conditions and informative notes:

1. The development shall operate only the uses and layout specified on the approved floor plan. There shall be no other uses permitted to operate as part of the approved development, and nor shall any other use within Class 11 of the Use Classes (Scotland) Order 1997 be permitted to operate without a further planning application having first been submitted to and approved by the Planning Authority. In the event that the approved use ceases to operate (whether by the applicant or a different owner/occupier), the lawful use of the property shall revert to a use falling within Class 4 of the Order. This limitation applies notwithstanding the meaning of 'development' within the Town and Country Planning (Scotland) Act 1997 (as amended), or any permitted change of use granted by Development Order.
Reason: To maintain neighbouring amenity (including limiting noise impacts) and road and pedestrian safety
2. No development shall commence until a management scheme for its operation has been submitted to and approved by the Planning Authority. The development shall only operate in accordance with the approved management scheme
Reason: In order to manage occupancy of the building to a level commensurate with the parking provision available to it, in the interests of maintaining road and pedestrian safety
3. The development shall not commence operation until the following measures have been implemented, and shall only operate with the approved measures fully maintained in place:
 - a) The junction onto Tweedmount Road has been lowered over the first 1 metre on either side of the access in accordance with a specification first agreed in writing with the Planning Authority
 - b) Directional signage has been provided within the site to maintain the one-way system in accordance with a specification first agreed in writing with the Planning Authority. The use shall only operate in accordance with the one-way system
 - c) All parking spaces within the site and within the land identified within the applicant's ownership on the approved location plan have been lined all in accordance with the approved plans. The parking area to the south of the building (including the application site and land within the ownership of the applicant) shall not be subdivided, notwithstanding the General Permitted Development (Scotland) Order 1992 (as amended) or any revised or replacement Order
 - d) Cycle stands have been provided in accordance with the approved site plan
Reason: To maintain road and pedestrian safety and ensure adequate parking provision within the site
4. The development shall only operate in accordance with the Noise Impact Assessment RMP Technical Report No R-7707-EP-RGM 8th March 2017. All identified mitigation measures shall be fully implemented prior to operation of the use and shall be maintained throughout its operation. The development shall only operate

between the hours of 6am and 10pm, with exercise/dance classes run only between 8am and 8pm and ventilation units shall only operate during the approved operating hours

Reason: To limit potential noise impacts on neighbouring property

5. The external surfaces of the development hereby permitted shall be completed in the materials shown on the approved drawings, and no other materials shall be used without the prior written consent of the Planning Authority. The roofing material shall be dark grey or black in colour and matt surfaced, unless otherwise agreed with the Planning Authority

Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

6. Roof ventilation units shall not be higher than the existing roof parapet level unless otherwise agreed in writing with the Planning Authority

Reason: To minimise the visual impact of the roof ventilation units

Informatives

1. Advertisements specified on the approved drawings do not require Advertisement Consent provided they are non-illuminated. Any changes to the signage will require Advertisement Consent unless exempt under the Control of Advertisements (Scotland) Regulations 1984 (as amended).
2. External lighting is not approved under this consent. Lighting will require Planning Permission where it constitutes development and is not exempt under the General Permitted Development (Scotland) Order 1992 (as amended)
3. The purpose of Condition 2 is to manage activity in a manner which limits the potential for the number of persons within the property at any one time to exceed 40.

DRAWING NUMBERS

9208.10.01A Location plan
9208.10.02 Existing plans, elevations and photos
9208.10.03B Proposed plans, elevations and 3d images

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

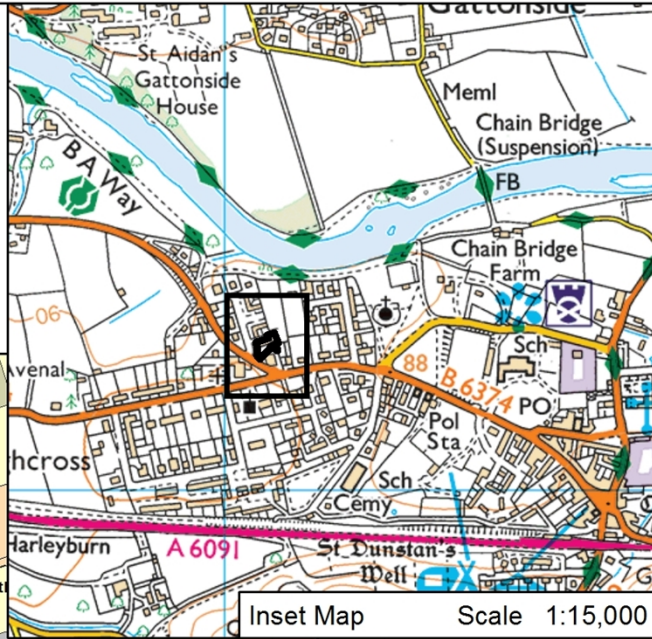
Author(s)

Name	Designation
Carlos Clarke	Lead Planning Officer

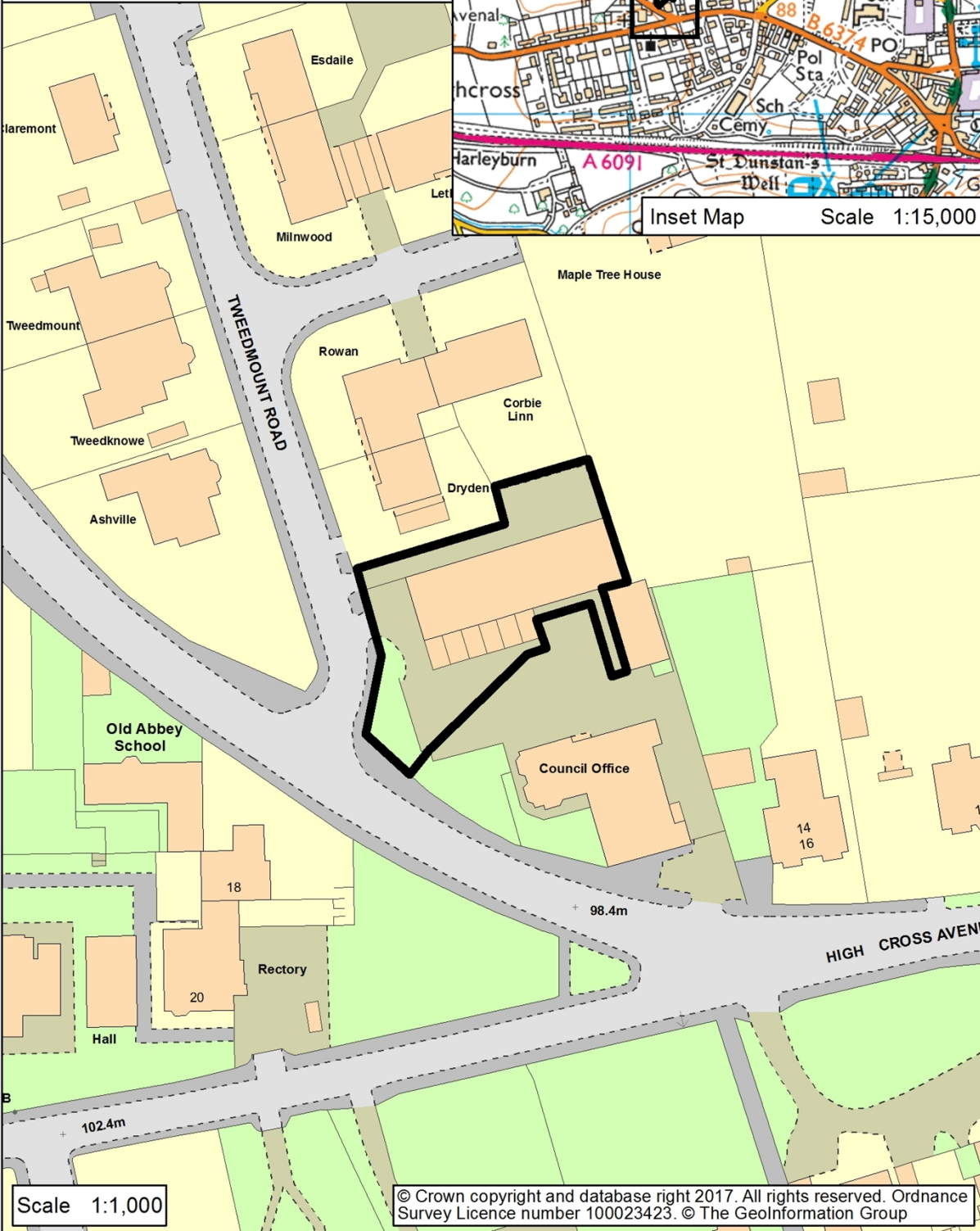


16/01583/FUL

Office West Grove
Waverley Road
Melrose



Inset Map Scale 1:15,000



Scale 1:1,000

© Crown copyright and database right 2017. All rights reserved. Ordnance Survey Licence number 100023423. © The GeoInformation Group