

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01093/FUL

APPLICANT : Miss Debra Martin

AGENT :

DEVELOPMENT : Change of use from Class 4 (light industry) to Class 11 (fitness studio)

LOCATION: Unit 3 Phase 3
Acredale Industrial Estate
Eyemouth
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Floor Plans	Approved

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

EHO: No objection subject to conditions in respect of amenity (noise).

Roads: No objection

Economic Development: Declare an interest/no objection

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Plan 2016

PMD2 Quality Standards
HD3 Protection of residential Amenity
ED1 Protection of Business and Industrial Land

Recommendation by - Lucy Hoad (Planning Officer) on 21st October 2016

This application seeks full planning permission for the change of use (Class 4 Light Industry to Class 11 Fitness studio) to an existing warehouse building at Acredale Industrial Estate, Eyemouth. The building is located within the Eyemouth Development Boundary set out in the Scottish Borders Local Plan. The site is located outwith the Eyemouth Town Centre Boundary and Conservation Area. The site is part of allocated employment site zEL47 (Acredale Industrial Estate). As an allocated site, the application site is subject to policy ED1 of the Local Plan. The proposals are not in conflict with this policy. The alternative use will

contribute to a mixed use within the allocated district site providing community benefit through provision of additional gym facilities in the local area.

No external changes are proposed to the building. The footprint of the building will remain unaltered. Internally a temporary fitness floor tile will be laid with gym equipment installed. The supporting statement advises that public access to the gym space for high intensive fitness training is to be restricted to Monday to Friday (7-10am and 5-7pm) and Saturday (am only). The proposed change of use does not include any alterations to the external appearance of the building. As such, the proposals will have neutral effect on the character and appearance of the area.

Policy HD3 of the Consolidated Local Plan provides that neighbouring residential amenity will be protected from developments having an unacceptable adverse impact. The Roads and Environmental Health Officers have considered the application and have no objections to the proposed change of use, subject to a condition in respect of amenity/control of noise. The application of a noise limit condition allows Environmental Health to monitor the issue under EH Legislation in respect of statutory nuisance negating the need for a further condition in respect of a noise assessment.

There is already a mix of uses in the immediately surrounding area, including some residential properties. It is noted that a gym is in operation in the adjoining unit at this location. The nature of the proposed use and potential generation of nuisance has been reviewed and it is not considered that there are any justifiable concerns on amenity grounds, subject to appropriate conditions in respect of hours of operation and noise limits.

It is recommended that the application be approved subject to a number of conditions. A condition to restrict the use of the unit to gymnasium taking into account the wider uses allowed within Class 11.

REASON FOR DECISION :

Subject to appropriately worded planning conditions it is considered that the proposed change of use from Class 4 Business to Class 11 Fitness Studio is acceptable and will not have an unacceptable adverse effect on the residential amenity of neighbouring dwellinghouses. Furthermore, the proposed change of use will have a neutral impact on the character and appearance of the area. The change of use will be consistent with development plan policies, in particular, policies ED1 and HD3.

Recommendation: Approved - conditions & informatives

- 1 The use of the premises as a fitness centre shall be restricted to the following opening hours only, unless otherwise agreed in writing by the local planning authority:
Monday - Friday 0700- 2100
Saturday 0800 - 1200
The premises shall remain closed to members of the public on Sundays
Reason: In order to retain effective control of the development, to restrict times when noise may emanate from the premises, and to protect the residential amenity of nearby dwellings.
- 2 The premises shall be used as a fitness centre and for no other purpose (including any other purpose in Class 11 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
Reason: To ensure that the use remains compatible within the site.
- 3 Any noise emitted by any equipment, plant or machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2
Reason To protect the residential amenity of nearby properties.

Informatives

It should be noted that:

- 1 All plant and equipment should be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
Reason To protect the residential amenity of nearby properties.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.