

Development Management Sub Committee

Wednesday 6 February 2019

**Application for Planning Permission 18/02782/FUL
At 4B Harrison Lane, Edinburgh, EH11 1HG
Change of use from use class 4 (joinery workshop) to use
class 11 (fitness and health venue).**

Item number	4.2
Report number	
Wards	B09 - Fountainbridge/Craiglockhart

Summary

The proposals do not comply with Policies Hou 7 and Ret8d) of the Edinburgh Local Development Plan (LDP) and will result in a loss of amenity to the neighbouring flat through the party wall, due to the transmission of structure borne noise and vibration of weights dropped on the floor. In addition, due to the long operating hours, the use will result in noise and disturbance to nearby residents at early and late hours. There are no highway or other material issues which outweigh this conclusion.

Links

[Policies and guidance for this application](#) LRET08, LTRA02, LHOU07,

Report

Application for Planning Permission 18/02782/FUL At 4B Harrison Lane, Edinburgh, EH11 1HG Change of use from use class 4 (joinery workshop) to use class 11 (fitness and health venue).

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site is currently a joiners workshop (183m²), one of several flat roofed commercial units situated below common drying greens of tenement flats fronting Harrison Road. These Residential units abut immediately to the west at the same level (party wall) and above. Harrison Park recreation ground is immediately to the east of the site. These commercial units contain a variety of uses such as an aircon/heating company (HF Group); JMS stonemasons; Capital Glazing and George M. Bolton Joiners. The site is serviced by a narrow road (Harrison Lane) which has no turning head and which is unfenced from the recreation ground.

2.2 Site History

No recent history recorded.

Main report

3.1 Description Of The Proposal

The proposal is to change the use of the unit from Class 4 joinery workshop to a class 11 Fitness and Health venue.

Class 11 includes halls for concert, bingo, casino or dance; pool, gym, ice rink or indoor sports or recreation.

Applicant's Supporting Document:

This document is available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposed use is acceptable in principle in this area;
- b) there would be any loss of amenity to neighbouring residences;
- c) there are any highway issues, such as parking problems or significant traffic generation; and
- d) the representations have been addressed.

a) Principle

The site forms part of an existing enclave of commercial units to the rear of tenements in a predominantly residential but mixed urban area. The continued use of the unit as commercial/leisure is acceptable in principle in accordance with the Edinburgh Local Development Plan Policy (LDP) RET8 Out of Town Entertainment and Leisure Developments, subject to amenity considerations.

b) Amenity

The site shares a party wall with a residential basement flat in Harrison Road. The proposed gym is significantly different from the existing joiners business. Firstly, the hours of operation are longer. The gym is proposed to open at 06:15 hours and operate into the evening (21:00 hours) compared to standard working hours. Secondly, being a proposed cross-fit gym, there may be significant noise generated by heavy weights being dropped. Any noise/vibration mitigation measures are unlikely to eliminate structure borne sound transmission pathways between the floor of the weights area and the surrounding building. A loss of residential amenity will be experienced by the nearest flat. There is no loss of privacy.

The development remains contrary to Policy RET08d) and Hou07 of the LDP.

c) Roads Issues

The roads authority does not have any comments to make on the application but requires a minimum of four cycle spaces to be provided. Subject to cycle parking, the proposals comply with Policy TRA02 of the LDP.

d) Public comments

Material objections - 6 letters:-

- 6am to 9pm extended normal office hours.
- Noise, Music and dropping weights.
- External client noise and impact on shared park area.
- Pressure on Parking/Traffic/Highway safety/Pollution.
- Area already well served by gyms etc.
- Privacy

The above comments are addressed in paragraphs 3.3b) and 3.3c) in the Assessment section above.

Letters of Support - 92 letters:-

- Great facility for local community - proximity to lots of cycle and running paths.
- Will reinforce communal activity around Harrison Park/Good location for all ages and sizes.
- Will address health, obesity and mental health problems.
- Business is a community driven entity.
- Property already sound proofed.

The letters of support, which are in the majority, indicate that this location is ideal for this community driven gym because it is near a park and that it will reinforce communal activity around the area for all age groups, addressing obesity and mental health; and that the property is already sound proofed. But there is no confirmation of this sound proofing being present.

Comments of support are compatible with the acceptance in principle of the proposed use (3.3a). However, the material considerations are ones of residential amenity and road safety. These are addressed at 3.3b) and c), respectively.

In conclusion:

There is sufficient evidence that even with noise mitigation measures in place, it is unlikely that the structure borne noise and vibration of weights or other heavy equipment being dropped in the gym, could be ameliorated sufficiently to prevent unacceptable structure borne noise and vibration from passing through the party wall of the nearest basement flat to the detriment of the amenity of residential occupiers. The use as a gym is also likely to cause outside noise at unsociable times. These considerations outweigh the community support for this business.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The use is contrary to RET8d) of the Edinburgh Local Development Plan (LDP) as the use is not comparable with surrounding residential uses and it would lead to an increase in noise and vibration for the neighbouring flat; and lead to noise and disturbance in the street at early and late hours to the detriment of residential amenity.
2. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use will produce noise and vibration incompatible with the primary use of the area which is residential

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Advertised on 29 October 2018. Six letters of Objection have been received and 92 letters of Support.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

Allocated as Urban Area in the Edinburgh Local Development Plan.

Date registered

19 October 2018

Drawing numbers/Scheme

01 - 02,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Appendix 1

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Consultations

Environmental Protection

The application site at 4B Harrison Lane, consists of single storey flat-roofed building, located within a row of commercial units. Harrison Lane runs in a north-west and south-east direction. Directly opposite Harrison Lane in a northerly direction, the site overlooks football playing fields. To the south-east, the site borders a Stone Masons and an Electrical contractor business. To the north-west, the site borders a Joinery business as well as another commercial business on the corner with West Bryson Road.

The site is located in a building that adjoins the rear of a traditional 5-storey Edinburgh tenement building. The tenement building which fronts Harrison Road, is located in a southerly direction and is used primarily as residential accommodation. However, it is apparent that at least one of the commercial units located on Harrison lane extends under the tenement and utilises the space of what would have originally been a basement flat. However, the application site is only located under the flat roof and appears to share a party wall with a residential basement flat. To the west, on West Bryson Road are modern 4-5 storey residential flats.

The principal concern relating to this application concerns noise. Harrison Lane has established use for commercial purposes. Some of the businesses such as the Stone Masons and Joiners have the potential to be particularly noisy. However, it is unknown how much noisy activities are carried out within these units. Our records show that the only noise complaint received relating to the businesses was received in 2016 and concerned early morning waste collections, rather than machinery noise from stone cutting or joinery activity. Therefore, it appears the existing businesses can operate without unduly impacting on the amenity of neighbouring residential accommodation.

Revised Environmental Protection comments:

With regard to the additional information provided, unfortunately it doesn't change our view on the application. The principal concern relates to structure born sound transmission. Noise measurements of the existing gym would only measure airborne noise.

In the most recent ongoing complaint, a Gym which is further away, does not share a party wall and with less structural connections than the proposed site, generated complaints due to impact noise. Despite the best efforts of the business and investment in different types of thick rubber matting they were unable to resolve the complaint.

However, the proposed use as a gym is significantly different from the existing businesses that it cannot be assumed that it would also be able to operate without unduly affecting residential amenity. The first issue is the hours of operation. Gyms generally open early in the morning to allow customers to visit prior to going to work. The applicants' current gym opens from 06.15 hours. This is likely to be significantly earlier than the existing businesses routinely operate from. Gyms also operate into the evening as well as Saturdays and Sundays. Therefore, far more residents are likely to be present in their property when the gym is open in comparison to the existing business, which likely operate to standard working hours, Monday to Friday.

The main noise issues associated with gyms include loud music and instructors shouting. However, as it is a cross-fit gym that is proposed another significant concern is the noise generated by heavy weights being dropped. This has generated complaints previously and Environmental Protection currently have a noise complaint ongoing concerning such an activity. Despite the gym's implementing mitigation measures which have improved matters slightly, the resident is still complaining.

In conclusion, the potential noise issues from this proposal are extremely difficult to address without significant mitigation measures in place, such as improved sound insulation, eliminating structure borne sound transmission pathways between the floor of the weights area and the surrounding building. No such information has been provided in support of the application. However, due to the close proximity to residential accommodation and concerns that any proposed mitigation measure would be inadequate, we cannot support this application. It is likely to adversely impact on neighbouring residential amenity and generate noise complaints.

Therefore, Environmental Protection recommends that this planning application is refused.

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

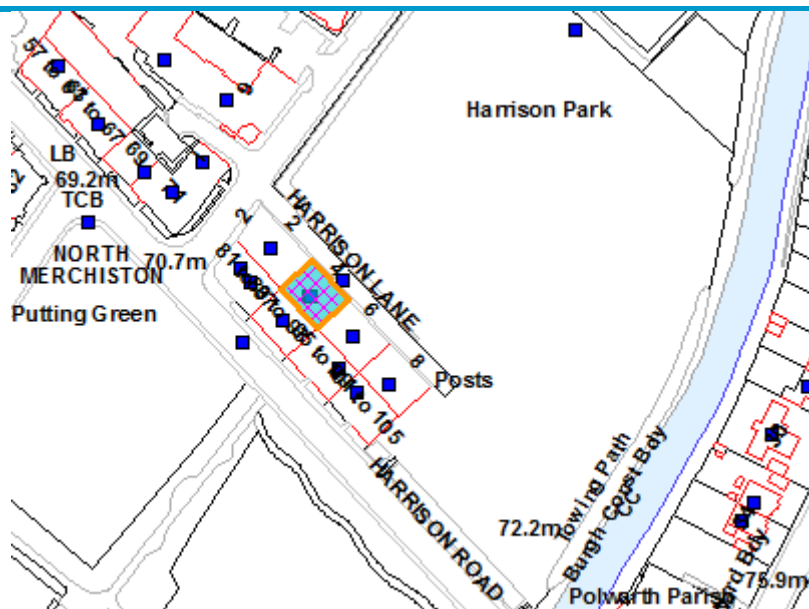
- 1. The applicant proposes no parking provision and complies with the Council's 2017 parking standards which allow a maximum of 4 parking spaces for the proposed change of use in Zone 2.*
- 2. The Council's 2017 parking standards cycle parking for Class 11 Assembly & Leisure requires the applicant to provide a minimum of 4 cycle spaces for the proposed change of use.*

Note

a) *The proposed area is in Controlled Parking Zone with good public transport accessibility. It is considered that vehicular trips associated with proposed will be minimal and with no significant impact on the surrounding road network. The peak hour operation of the Gym is expected to be outside of working hours hence making use of the open parking spaces on Harrison Lane.*

b) *Cycle and car parking requirement based on officers judgement not explicitly stated for Gym use under use class 11 Assembly and Leisure in the Council's 2017 parking standards.*

Location Plan



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