

Development Management Sub Committee

Wednesday 27 October 2021

**Application for Planning Permission 21/02201/FUL
at 83C Craighall Road and Land Adjacent to 83 Craighall
Road, Edinburgh, EH6 4RR.
Change of use from children's nursery Class 10 and vacant
land to gymnasium Class 11 with new side doors/windows
and fencing (as amended).**

Item number

Report number

Wards

B04 - Forth

Summary

The application is acceptable in principle. It will not result in a detrimental amenity for neighbouring residents and preserves the character and appearance of the conservation area.

The proposals comply with the Edinburgh Local Development Plan.

Links

[Policies and guidance for this application](#)

LDPP, LEN06, LHOU07, LEN18, LTRA03, NSG, NSLBCA,

Report

Application for Planning Permission 21/02201/FUL at 83C Craighall Road and Land Adjacent to 83 Craighall Road, Edinburgh, EH6 4RR. Change of use from children's nursery Class 10 and vacant land to gymnasium Class 11 with new side doors/windows and fencing (as amended).

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application property was formerly a garage. It is single storey on Craighall Road and drops down a storey below.

On 24 September 2015, planning permission was granted for "External alterations and change of use from garage and public house to convenience store (class 1), children's nursery (class 10) and 3 studio flats (as amended)." The supermarket element has been implemented by Sainsbury's which operates from 7am to 11pm; service deliveries are from Craighall Road.

This proposal relates to the element of the site which was consented for a children's nursery. The area of the building this relates to is the lower ground level which will be accessed via an entrance on Craighall Road. The unit measures approximately 700 square metres and currently has a blank elevation with side entrance door. It is two storeys high and clad in grey metal.

The site is bounded by a redundant railway line to the south which is now used as a cycle path/public walkway and a large modern block of flats with landscaped areas and parking to the north. Craighall Road is characterised by traditional tenements with a number of commercial uses at ground floor. A mature tree sits to the side of the premises.

The original application included an area of amenity space to the side of the property within the site area. The external space is currently laid to lawn and displays a "no ball games sign". It offers amenity space for the surrounding flats. Residents' car parking and bin stores surround the external area.

The building is not listed or in a conservation area. However, directly next to the site, 85 Craighall Road is the former Newhaven Train Station which is a category C listed building LB 43689 added 17/10/1996.

The site lies adjacent to Victoria Park Conservation Area.

2.2 Site History

24 September 2015 - Planning permission was granted for external alterations and change of use from garage and public house to convenience store (class 1), children's nursery (class 10) and 3 studio flats (as amended) (application reference 14/02023/FUL).

Main report

3.1 Description of the Proposal

The application proposes gym (class 11) use in the lower ground floor of the unit. At basement level, the proposal includes high level fixed pane double glazed windows on the northern elevation and the replacement of the side door with double glazed doors. The gym will be ventilated by a new mechanical ventilation system with fire doors being kept shut at all times.

The proposal includes provision for 10 cycle spaces internally at ground floor level when accessed from Craighall Road.

The proposed hours of operation are:

Monday to Thursday 7.00am to 10.00pm

Friday 7.00am to 9.00pm

Saturday and Sunday 7.00am to 8.00pm

No parking is proposed on site.

Previous Scheme

The original proposal included a 2m high timber slated fence to enclose the external amenity area to form an external training area.

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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 principle of the development is acceptable
- b) the proposals affect the setting of the adjacent listed building;
- c) the proposals affect the setting of the conservation area;
- d) the proposal will result in an unreasonable loss of neighbouring amenity;
- e) Transport issues are addressed and
- f) any comments received are addressed.

a) Principle of development

The area is within the urban area as defined in the Local Development Plan (LDP). The principle of a change of use of the building from an approved children's nursery to a gym use is considered acceptable subject to compliance with other policies.

b) Setting of listed building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Local Development Plan policy ENV 3 - Listed Building Setting aims to protect the setting of listed buildings, ensuring the architectural character and historical interest of a listed building is retained.

The application site lies to the north of the listed building and is contained within the built form of the non-listed building. There will be no impact upon the setting of the neighbouring listed building.

c) Setting of conservation area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Local Development Plan policy ENV 6 - Conservation Area - Development aims to protect and enhance the appearance of the conservation area.

The Victoria Park Conservation Area Character Appraisal emphasises the predominance of Georgian and Victorian villas and terraced blocks constructed in stone with slate roofs, and the predominately residential use. Although the site is not within the conservation area, new development can affect its character and appearance.

The development relates to the change of use of an existing building which does not propose any significant alterations to accommodate the use. The proposal is adjacent to an operating supermarket and as such it is considered that it will not detrimentally affect the setting of the nearby Victoria Park Conservation Area.

d) Residential amenity

Local Development Plan policy Hou 7 - Inappropriate Uses in residential Areas aims to ensure that no unreasonable noise impact or loss of daylighting, privacy and sunlight occur to neighbouring properties.

Local Development Plan policy ENV 18 - Open Space - Protection seeks to ensure private and public amenity space is protected.

The application site is within the urban area of Trinity, characterised by mixed-uses to serve the residents of Trinity. Residential properties lie to the north and west, with small commercial units opposite on Craighall Road. Adjoining the premises to the south is a Sainsbury's Local supermarket which is open from 7am to 11 pm daily. A cycleway along the disused railway separates the site from the campus of Trinity Academy/Trinity Primary School and Victoria Park to the south, with its football, tennis and basketball courts and children's play equipment. Adjacent to the supermarket the former Newhaven Station has been converted to office space. Bangholm playing fields are accessed further north of Craighall Avenue.

Many of the objections to the application were in respect of the external area for gym use which was proposed. This has now been excluded from the application site and the proposals. Any breakout into the north of the building into that area would only be for emergency via the existing fire exit. The proposal satisfies Local Development Plan policy ENV 18 - Open Space - Protection.

The applicant has submitted a Noise Impact Assessment (updated on 13 September 2021) in support of the application which considers noise impact and noise breakout from the proposal and potential noise from services. The assessment predicts that the noise breakout to neighbouring properties would be below the recommended levels.

Environmental Protection's original concern regarding potential breakout from the windows and doors along the northern boundary has been satisfied by the confirmation of the new windows being non-opening and double glazed. In addition, the door is a fire escape. However, it is recommended that a condition is required to ensure the appropriate mitigation measures identified in the NIA are implemented.

The location of any ventilation services which would penetrate the building façade has not been defined in the drawings. The Noise Impact Assessment makes assumptions based on distance attenuation and siting of vents. However, it is recommended that a condition is applied to ensure appropriate positioning and mitigation to protect neighbours from excessive noise breakout.

The applicant is proposing that the premises would operate during the hours of 7.00am to 10.00pm Monday to Thursday, 7.00am to 9.00pm on a Friday and 7.00am to 8.00pm Saturday and Sunday. These proposed hours of operation are considered acceptable within the residential location and would not exceed those of the operating adjacent supermarket. To ensure that neighbouring residential amenity continues to be protected, a condition is recommended on this basis.

Notwithstanding the inherent flexibility to move between uses within the Assembly and Leisure Use Class without the need for planning permission, it is recommended that the use is restricted to gymnasium use only in order to protect residential amenity.

It is concluded that subject to the recommended conditions being satisfied, that the proposal is acceptable in this location and would not detrimentally impact upon local amenity or the living conditions of neighbouring residents.

e) Transport issues

Local Development Plan Tra 3 - Private Cycle Parking supports development where proposed cycle parking and storage provision complies with the standards set out in Council Guidance. The application includes spaces for parking ten cycles and complies with policy Tra 3 - Private Cycle Parking.

Local Development Plan Tra 2 - Private Car Parking encourages low car provision where a development is accessible to public transport stops and that existing off-street car parking spaces could adequately accommodate the proposed development.

The application site is situated close to an off-road cycleway and a bus stop. The users of the gym have a choice of how to access the facility. Should they visit by car, Craighall Road currently has unrestricted parking; there is currently a consultation on parking permits in this locality. It is considered that the premises is unlikely to generate a significant number of cars visiting the site. The current road markings on Craighall Road should be sufficient to ensure highway safety of users of this premises and other facilities in the area.

The Roads Authority has raised no objection to the proposal.

f) Public Comments

The application generated 26 letters of objection and 44 letters of support. The objections are from the immediate neighbours and may be summarised as follows:

Material comments - Objection:

Loss of open space

- loss of common use of land, used by children to play and maintained by the older local residents, offers a community shared space; (this element has been removed from the application proposal)
- loss of green space and impact on the wildlife it supports; (this element has been removed from the application proposal)

Transport

- Impact on residents' parking - loss of residents' parking to gym visitors (addressed in section 3.1 e)
- increased parking congestion with Sainsbury's, local businesses, school and residents (addressed in section 3.1 e)
- highway safety from drop off - pick up (addressed in section 3.1 e)
- will block visibility to 21-27 Craighall Road entrance (flats) (addressed in section 3.1 e)
- unsuitable and unsafe (addressed in section 3.1 e)

Amenity

- Noise from gym users, music and voices (addressed in section 3.1 d)
- general disturbance (addressed in section 3.1 d)
- long opening hours of gym, will include evening and weekend use (addressed in section 3.1 d)
- negative impact on local quality of life (addressed in section 3.1 d)
- impact on residents of flats from loss of privacy to their balconies and garden areas (addressed in section 3.1 d)
- general disturbance at the back of the neighbouring flats (addressed in section 3.1 d)
- will upset community wellbeing/detrimental to local people's mental health; (addressed in section 3.1 d)

Public comments - Support:

- good location of gym next to a school and local businesses;
- good local community facility for all age groups/family friendly;
- good for physical and mental health/ optimal for covid recovery;
- affordable;
- accessible as close to cycleway, footpath and bus stops;
- support local business, not a commercial chain gym;
- will create a safe environment for all abilities/gender;
- Family business very professional approach;
- offers variety of classes for a range of abilities; and
- accessible to all through offering of creche/childcare facilities/ buggy accessible

Neutral Comments

- application would appear retrospective (to date the only works carried out on the building relate to the laying of a new floor internally, this does not require planning permission)
- community consultation exercise is required and some neighbours have not received notification (neighbours have been notified through the statutory process)

- applicant should be required to help improve Craighall Road through the introduction of speed humps, a zebra crossing by the High School, add electrical charging points along Craighall Road.

Non-material comments:

- Area is well served with gyms - this is not a material planning consideration

Conclusion

The application is acceptable in principle. Subject to the proposed conditions it will not result in a detrimental amenity for neighbouring residents and preserves the character and appearance of the conservation area.

The proposals comply with the Edinburgh Local Development Plan.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions :-

1. The proposed hours of operation of the premises are restricted to Monday to Thursday 7.00am to 10.00pm, Friday 7.00am to 9.00pm, Saturday and Sunday 7.00am to 8.00pm
2. Prior to the commencement of development, further details of the proposed ventilation shall be submitted for the approval of the Planning Authority and shall thereafter be implemented whilst the new use is extant.
3. The use hereby approved shall be restricted to gymnasium use only and for no other purpose under Class 11 Assembly and Leisure of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
4. The mitigation measures in the Noise Impact Assessment dated 13 September 2021 Report No. SKAD-21-02569 Issue 2 shall be implemented prior to the first use of the development hereby approved.
5. The high level fixed pane double glazed windows on the northern elevation and the replacement of the side door with double glazed doors shall be installed in accordance with the plans hereby approved: 6mm outer pane/ 16mm cavity/ 6.8mm inner pane with a glass performance of Flw 34db; unless otherwise agreed in writing by the Planning Authority.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. To protect residential amenity
5. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. All plant operating cumulatively together should comply with the noise levels and associated frequencies when measured at 1m from the plant: as set out in Table 6 of the SKAD Noise Impact Assessment dated September 13 2021, report no. SKAD 21- 02567 Issue 2.

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 11 June 2021 in the Edinburgh Evening News and on site.

71 representations have been received. 1 neutral comment, 26 objection comments and 44 support comments.

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**

Edinburgh Local Development Plan

Date registered

10 May 2021

Drawing numbers/Scheme

1a, 2, 3b,

Scheme 3

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Jennifer Paton, Senior planning officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Appendix 1

Application for Planning Permission 21/02201/FUL At 83C Craighall Road And Land Adjacent To 83 Craighall Road , Edinburgh, EH6 4RR Change of use from children's nursery Class 10 and vacant land to gymnasium Class 11 with new side doors / windows and fencing (as amended)

Consultations

Roads Authority

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

- 1. A minimum of 10 cycle spaces should be provided.*

Environmental Protection

The application proposes a gym below a retail premises. Residential properties are adjacent. The main issue of concern relates to the potential for noise impacting on adjacent residential properties. In this regard, please can the applicant be advised of the following:

- 1. A noise impact assessment should be provided which demonstrates that the premises will be able to encapsulate any noise associated with the gym operations. Of particular concern is the building envelope keeping amplified music/voices within the envelope of the building (any openable doors e.g. to the external training area will allow noise to escape), the external training area activities (what times will this area be utilised? what activities will occur there? Amplified music proposed in this area?). Operational noise should be inaudible within surrounding residential properties with the window slightly open for ventilation purposes.*
- 2. Please can the applicant confirm if there is any plant proposed. If so, it should be demonstrated in the NIA that it will comply with NR25 within the nearest residential property with the window slightly open for ventilation purposes. The NIA should recommend a plant spec with maximum noise levels as mitigation/to be conditioned.*
- 3. What are the proposed times of operation of the gym?*
- 4. Whilst not a residential amenity issue, I would imagine that Sainsburys may have concerns about noise affecting them as well.*

Once the above has been provided I hope to be in a position to further the application.

Environmental Protection-further comment

I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

The application proposes the change of use of an existing nursery to a gymnasium. Residential properties are situated to the north and west. Commercial premises are situated above and to the south.

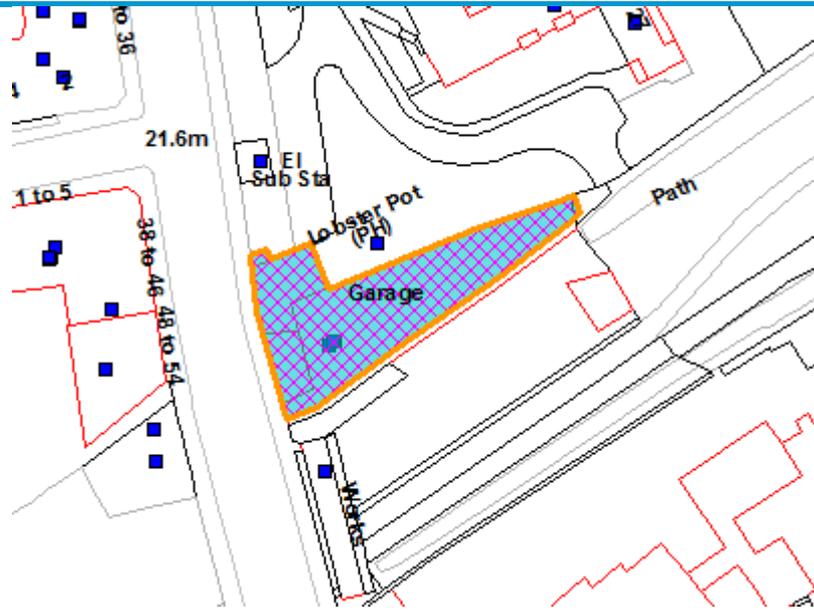
A noise impact assessment (NIA) has been provided in support of the application. Initial concerns from this team related to the external area however this has been deleted from the application and the proposed entrance/exit door to outside will now only be used as a fire escape. The fire door and the existence of any windows are likely to be building envelope noise escape weak points that can allow music noise to escape from the gym premises unless they are suitably acoustically insulated with acoustic seals on the doors. This team has requested details of the door and windows which have yet to be provided by the applicant. However, it is anticipated that suitable doors and windows are available on the market and so the details can be provided at a later date by the applicant. A condition is therefore recommended in this regard.

The NIA has also recommended a plant specification designed to ensure that plant noise will not impact upon nearby residential properties. A condition is recommended below in this regard.

Therefore, Environmental Protection offers no objection to the application subject to the following conditions:

- 1. All plant operating cumulatively together should comply with the noise levels and associated frequencies when measured at 1m from the plant: as set out in Table 6 of the SKAD Noise Impact Assessment dated September 13 2021, report no. SKAD 21-02567 Issue 2.*
- 2. Details of the acoustic specification of new windows, doors and proposed servicing details shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.*

Location Plan



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