

Change of Use From a Residential Lock Up Garage to a Personal Training Gym

KEY INFORMATION

Ward North East

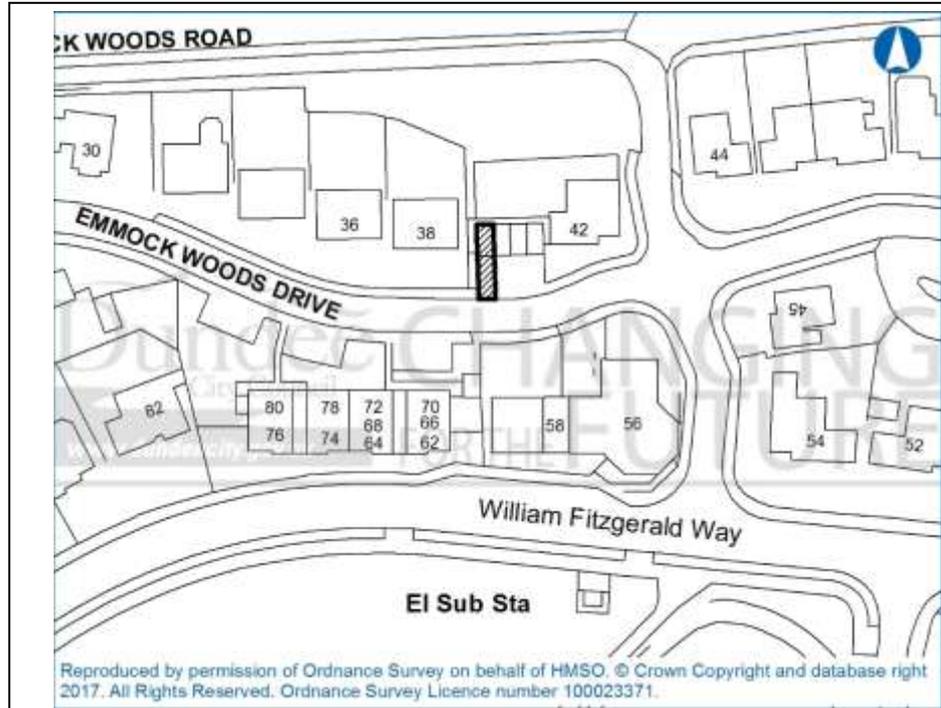
Address
1 Lock-ups
38-42 Emmock Woods Drive
Dundee

Applicant
Ms Shona Wales
58A William Fitzgerald Way
Emmock Woods
Dundee
DD4 9FB

Agent

Registered 3 May 2017

Case Officer Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the change of use of a residential lock up garage to a personal training gym at Emmock Woods Drive.
- The proposed gym is contrary to Policy 16 (Small Scale Commercial Uses within Residential Areas) of the Dundee Local Development Plan. The proposed personal training gym would adversely impact on residential amenity and parking provision at Emmock Woods Drive and William Fitzgerald Way.
- The statutory neighbour notification procedure was undertaken; four letters of representation were received.
- The application requires to be determined by the Development Management Committee at the request of a local member. More details can be found at <http://idoxwam.dundee.gov.uk/idoxpa-web/search.do?action=simple&searchType=Application>.

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

1.1 This application proposes the change of use of a lock up garage to a personal training gym (Class 11).

1.2 Gym equipment would be located within the lock up garage to facilitate personal training sessions. There are no alterations proposed as part of this application, the gym would be accessed via the existing vehicle entrance on the south elevation.

1.3 The personal training gym has been operating since the submission of this planning application. Each personal training session is one hour long with customers able to book appointments between 9.00am and 9.00pm Monday to Sunday. At present, up to 4 training sessions are undertaken each day with up to 3 clients attending each session.

1.4 The application is accompanied by a transport statement.

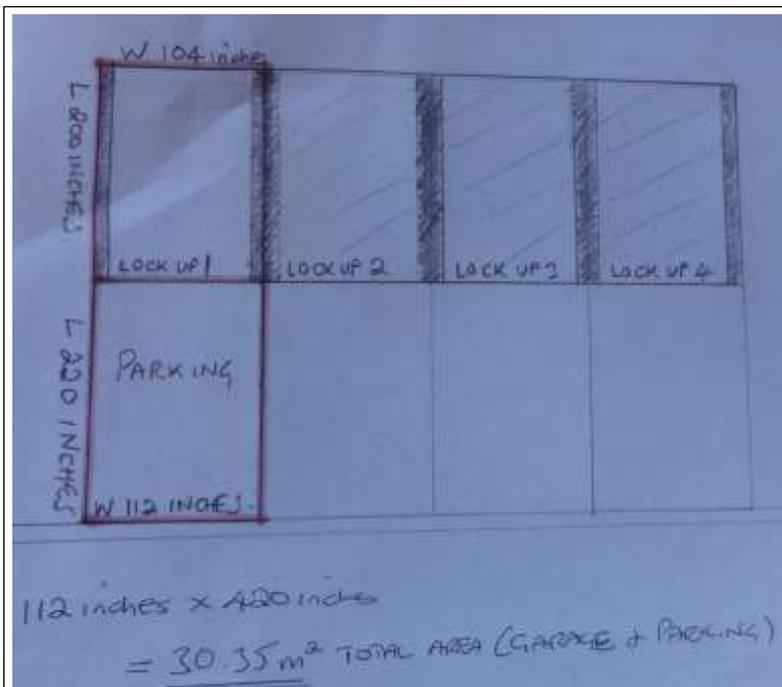


Figure 1 – Site Plan

2 SITE DESCRIPTION

2.1 The application site is located on the north side of Emmock Woods Drive. The site measures 27.6m², comprising a lock up garage with 13m² floor area and external parking space for one vehicle. The lock up is the west most garage within a row of four garages situated between 38 and 42 Emmock Woods Drive. The garages are of concrete block construction and finished in cream render with concrete tile roof and metal garage doors. The four garages provide secure off street parking for residents of flats at 58A-58D William Fitzgerald Way.



Figure 2 – Site Photograph

- 2.2 The surrounding area contains a number of land uses. To the south, east and west are houses, flats and a nursery on Emmock Woods Drive and William Fitzgerald Way. To the north is agricultural land.

3 POLICY BACKGROUND

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

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 16: Small Scale Commercial Uses Within Residential Areas

Policy 47: Environmental Protection

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

4 SITE HISTORY

- 4.1 There is no planning history at this site.

5 PUBLIC PARTICIPATION

- 5.1 The statutory neighbour notification procedure has been undertaken.
- 5.2 Four letters of objection have been received.
- 5.3 Members will already have access to the letters and the issues raised are considered in the Observations section below.

6 CONSULTATIONS

- 6.1 **The Head of Community Safety and Protection** – has recommended that should permission be granted conditions controlling noise and hours of operation are incorporated into the decision notice.

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.

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 16: Small Scale Commercial Uses Within Residential Areas** - supports the development of a range of small scale commercial facilities close to and within existing and proposed housing areas. The mix of uses and the availability of a range of services and facilities locally helps to create strong, stable and sustainable communities. Policy 16 states that proposals will need to ensure that they do not have a detrimental effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking, traffic movement, noise or smell.
- 7.3 The existing design and layout of the site would be maintained as no physical alterations are proposed. Gym equipment is stored within the garage and when not in use the lock ups retain the character and appearance of the surrounding streetscape. An off street parking space to the south of the garage would be available to clients of the proposed gym and there would be no impact on access to the remaining garages.
- 7.4 In terms of parking and traffic, the proposals would not generate a significant amount of traffic movements, however, the personal training gym would generate an additional parking requirement. Each of the four lock up garages on Emmock Woods Drive are associated with flats at 58A-58D William Fitzgerald Way. The proposed change of use would result in the loss of a garage associated with 58A William Fitzgerald Way. Whilst the off street parking space immediately in front of the garage would remain, it would be required by clients of the gym between 9.00am and 9.00pm. This would result in vehicles at the 2 bedroom property being required to park on public roads during daytime hours increasing parking pressures in the surrounding area. In addition, the one off street parking space which would be available to clients of the personal training gym would not provide sufficient parking with sessions being attended by up to 3 clients. Any additional vehicles would be required to park on street.
- 7.5 There are a small number of public parking bays on William Fitzgerald Way which provide parking for local residents and staff and visitors to Butterflies Nursery. However, these spaces are often busy during daytime hours, are not within close proximity to the application site and out with the applicant's ownership. There is therefore limited off street parking provision in the surrounding area and the proposals would reduce the level of dedicated off street parking. This would increase on street parking pressures in the surrounding area.
- 7.6 The proposed training gym would create a level of disturbance in excess of noise levels associated with a garage through the playing of music, use of exercise equipment and intensification of use. Noise associated with personal training sessions including coaching of clients and use of exercise equipment would create a level of disturbance which is in excess of that associated with a domestic garage to the detriment of residential amenity.
- 7.7 The proposal would generate a parking requirement and level of noise which would have a detrimental impact on parking provision and residential amenity.
- 7.8 **The proposal contravenes Policy 16.**
- 7.9 **Policy 47: Environmental Protection** - states all new development or an extension to an existing development that would generate noise, vibration or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area.
- 7.10 A personal training gym will generate noise from sources including exercise equipment, coaching and playing of music. In addition noise will be generated by clients and vehicles visiting the site. The lock up garage is 5 metres from a residential property immediately west of the application site, and 11 metres of residential property to the east.

- 7.11 The proposals would see music being played and exercise equipment used within the garage. The proposed opening hours are 9.00am to 9.00pm, as the gym would be able to operate with the garage door open noise would not be contained.
- 7.12 To reduce the impact of the proposals on residential amenity The Head of Community Safety and Protection has recommended the maximum noise levels of music and mechanical and electrical services and hours of use are restricted by condition should The Committee be minded to approve this application.
- 7.13 Subject to appropriate conditions, the personal training gym would not generate a significant level of disturbance.
- 7.14 **Subject to conditions, the proposal satisfies Policy 47.**
- 7.15 **It is concluded from the foregoing that the proposal does not comply with the provisions of the Development Plan.**

OTHER MATERIAL CONSIDERATIONS

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

A - SUPPORTING INFORMATION

- 7.17 The applicant has provided statements in relation to noise, residential amenity and parking and traffic.
- 7.18 The applicant notes the potential for music and equipment to generate noise, however states that noise levels are not significant and are controlled to minimise any impact on the surrounding area. The applicant states the proposals do not have a significant impact on neighbouring residential property and if appropriate would provide sound insulation.
- 7.19 In relation to parking, the applicant states there is sufficient parking provided at the garage and on street within the surrounding area to ensure the proposals would not have an impact on parking provision or road safety. Clients of the personal training gym are advised in advance where to park and with sessions often attended by one or two people the proposals would not create a significant demand for parking.

B - VIEWS OF OBJECTORS

- 7.20 Four letters of objection were received, citing the following concerns.
- 7.21 **Noise** - objector's state music and shouting can be heard from personal training sessions which were operating from the garage prior to the submission of a planning application. Noise from the proposals can be heard from garden ground and concerns are raised that noise would impact on sleep with sessions being undertaken up to 9pm.
- 7.22 **Response** - The proposals would generate a level of operational noise, however subject to conditions restricting hours of operation and noise levels the personal training gym would not have a significant impact on residential amenity.
- 7.23 **Parking and traffic movement** - objectors raise concerns in relation to the proposals impact on parking, with insufficient off street parking available to accommodate the existing flat and clients of the personal training gym. Increased traffic flow and parking demand would be detrimental to road safety, with planning permission for an additional 10 places at Butterflies Nursery to the south east of the site being refused by Development Management Committee

in February 2012. The increase in places was refused due to the proposals having an adverse impact on parking and traffic movement in the area.

- 7.24 **Response** - the proposals would result in flat 58A William Fitzgerald Way not having a designated off street parking space between 9am and 9pm, this is contrary to the requirements of Appendix 3 of the Dundee Local Development Plan which requires each flat within a suburban area to have a designated parking space. In addition, only one space would be provided for clients attending personal training sessions. The proposals would require vehicles to park on street, and increase parking pressures in the local area.
- 7.25 The concerns of the objectors in relation to parking and traffic movement are supported.
- 7.26 There are no other relevant material planning considerations of sufficient weight to justify approval of the application.

8 CONCLUSION

- 8.1 The proposals would result in an existing flat at 58A William Fitzgerald Way having no dedicated parking provision and there is insufficient off street parking provision for clients of the proposed gym. The proposals would therefore increase on street parking and have a detrimental impact on parking pressures in the surrounding area.

9 RECOMMENDATION

- 9.1 It is recommended that consent be REFUSED for the following reason:
- 1 **Reason** - the proposed development is contrary to Policy 16 - "Small Scale Commercial Uses within Residential Areas" of the Dundee Local Plan 2014 as the personal training gym would have a detrimental impact on parking provision and residential amenity. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the policy.