

THE HIGHLAND COUNCIL

**PLANNING APPLICATIONS COMMITTEE – NORTH
14 October 2014**

Agenda Item	6.3
Report No	PLN/074/14

**14/02909/FUL : Rush Dance
25 Back Shore Street, Thurso.**

Report by Area Planning Manager

SUMMARY

Description : Change of use from Car Showroom to Dance Studio (use class11) and erection of entrance screen for Thurso Rush Dance Club.

Recommendation - GRANT

Ward : 02 Thurso

Development category : Local Department

Pre-determination hearing : n/a

Reason referred to Committee : Community Council objection; more than 5 third party objections.

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to convert the former car-showroom building on Back Shore Street into a dance studio for children. The building has been unoccupied for a number of years and its closed-up and somewhat run-down appearance has led it to be a negative contributor to its Conservation Area context. The entrance is via a large garage door which faces onto the front parking area; to the north is a small commercial building which attaches the site to No.19 Shore Street, with derelict buildings attached to the site's southern end. Externally the main change will be the replacement of the garage door with a new entrance screen with a central doorway and windows to either side and above. Internally the building will have a full-width studio space at the rear, with storage, reception and toilet in the front section. The building is within a tight network of local streets (including Backshore Street, Shore Street and Wilson Lane) and is opposite the Category A listed Old St. Peter's Kirk.
- 1.2 Pre-App: No pre-app was carried-out.
- 1.3 Servicing: In terms of servicing the site is already fully connected to power, drainage and water-supply.
- 1.4 Supporting Information: Design Statement, Supporting Statement.

1.5 **Variations:** none.

2. SITE DESCRIPTION

2.1 The site is a commercial building whose outer face is a double-height wall (blank but for a large garage-door) in brown render, facing onto the street that links Shore Street and Back Shore Street. The site is flanked by gabled commercial buildings to north and south, that to the south being empty and semi-derelict, that to the north (on Shore Street) being in better condition and linking to No.19 Shore Street. The rear of the building has three high-level double-glazed (and un-openable) windows that face onto the rear garden of No.19 Shore Street. Most other buildings in the immediate locale are two-storey residential, with the exception of the ruined Old St. Peter's Kirk to the SE.

3. PLANNING HISTORY

3.1 None.

4. PUBLIC PARTICIPATION

4.1 Advertised : in John O'Groats Journal; unknown neighbour.

Representation deadline : 10.09.2014

Timeous representations : 20 (1 for, 19 against including Thurso Community Council)

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Negative impact on the conservation area;
- Not an appropriate use within a quiet residential area;
- Increased traffic will be a danger to pedestrians;
- Insufficient on-street parking for additional traffic;
- Noise pollution to the surrounding street and adjacent property;
- Over-looking/loss-of-privacy;
- Building cannot be adequately sound insulated;
- Light pollution (from building and waiting cars);
- Sub-letting of building to other groups will increase the above impacts.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Environmental Health: no objection subject to conditions.**

Following a site visit and noise testing around the site, the following restrictions will be applied to the use of the building. This should have conditioned approval of acoustic testing and an acoustic report prior to occupation/operation of the building.

a) The noise from amplified sound arising from within the premises shall not increase the ambient noise level, measured as a one minute LAeq, within any nearby dwelling or noise sensitive premises.

b) The noise from amplified sound arising from within the premises shall not increase the prevailing noise level in the 63 and 125 hertz octave bands, measured as a one minute unweighted Leq, within any nearby dwelling or noise sensitive premises.

5.2 **Area Roads Engineer: no objection.**

Road Guidelines for New Developments state 1 space per 100 sq m gross floor area (GFA) plus 1 space per 3 staff for gymnasium type uses. Based on the plan submitted the GFA is 144 sq m which would require 2 spaces plus 1 staff.

It is likely that the dance studio will operate after school and at the weekends where the biggest traffic movements will be at the end of one class and the beginning of another. Despite the proximity of nearby car parks, parents will likely park as close as possible to the entrance. This is likely to cause congestion. However there will be no impact after the dance studio closes for the evening nor before it opens.

The proposed one way road traffic order on Shore Street (not linked to this application) will result in less traffic congestion as traffic will not meet oncoming vehicles whilst avoiding parked cars.

On balance, some parking out with the frontage of the proposed dance studio can be expected but this is town centre re-development project and R&CW make no objection.

6. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

Policy 28	Sustainable Design
Policy 29	Design Quality & Place-making
Policy 34	Settlement Development Areas
Policy 42	Previously Used Land
Policy 57	Natural, Built & Cultural Heritage

6.2 **Caithness Local Plan 2002 (as continued in force)**

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Not applicable

7.2 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

PAN 52 Planning and Small Towns

PAN 59 Improving Town Centres

PAN 78 Inclusive Design

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 Development Plan Policy Assessment

In terms of development plan assessment, the re-use of this empty and redundant property is seen as beneficial to the town centre and to the conservation area; to both the active use and the upkeep/maintenance of the building would be a positive enhancement to the streetscape and the local economy/amenity. The building's previous uses were as a garage and latterly as a car show-room, uses that would be considered less appropriate and less desirable than that hereby proposed, in this location, as a continuation of the previous use. The building could currently revert to these uses without requiring planning permission. This site is within Thurso town centre, and as such is considered (in principle) to be a good location for a recreational facility for young children.

8.4 Material Considerations

The following addresses material considerations raised by third parties:

a) Negative impact on the conservation area;

The existing building, un-used and with a blank façade onto the streetscape, is a negative contributor to the town centre and the conservation area. The re-use of this existing building within Thurso conforms to the principles of sustainable development, ensuring that the building is maintained and is up-graded for contemporary uses. The principle of giving this building an active use is therefore considered to be a positive impact on the conservation area, that hopefully will also be a catalyst to the re-use of the commercial buildings to either side. The main

external change to the building is the new entrance screen, the detail design of which will be conditioned for approval; this should be in timber-framing (or possibly metal to reflect the building's commercial nature) not upvc as noted.

b) Not an appropriate use within a quiet residential area;

The concern from residents that this proposal will be a 'bad-neighbour' development has been seriously considered by the Planning Authority, as a negative impact on amenity would not be acceptable. The mitigating factors in favour of this proposed use are the demographic of its users (children) and the fact that no classes will run after 9pm. The hours of operation will accordingly be restricted via condition. The use of the building as a bar or a night-club would not have been considered appropriate for this residential area, but its use as a children's dance club (with conditioned restrictions) is not considered to be problematic.

c) Increased traffic will be a danger to pedestrians;

The street layout in this area is typified by narrow lanes and twisting turns, with areas where there are no pavements on one side. There is no doubt that at certain times (at the start or end of classes) there will be an increase of traffic in the area, but this in itself cannot be controlled by Planning. While an increase in traffic will by definition cause an increase on the existing risk factor, this will be at limited periods; it should also be noted that the drivers will be parents collecting children, whereby one would expect a higher degree of care in their driving. As noted in section 5.2, the Area Roads Engineer has no objection to the proposal.

d) Insufficient on-street parking for additional traffic;

On-street parking is limited in this area, with double-yellow lines on/around the site and often parking on just one side of the road. The parking area outside the existing building can accommodate 4 cars, including a disabled-bay. The issue of who can park where on the street is not actually a planning matter, and the area is not restricted by parking permits, apart from one designated disabled-bay outside No.28 Shore Street. While there *may* be an influx of cars at certain class-changeover times, if there is no parking available then parents will have to use one of the several public car-parks that are within 5 minutes walk of the site. Any impact that *does* occur is likely to be short-term. Any obstruction that is caused would be a matter for the Police. Its worth noting that just a few minutes walk away is the Boys Brigade hall on Couper Square and the Scout/Guides hall on Burnside Terrace, both of which are in a similar proximity to residential areas with limited parking. As noted in section 5.2, the Area Roads Engineer has no objection to the proposal.

e) Noise pollution to the surrounding street and adjacent property;

The potential for noise to be created within the building will be a cause for concern relative to surrounding residential amenity. The Applicant's intention is to apply acoustic insulation to the internal surfaces of the building to restrict/limit the noise output that will be created. A suspensive condition is proposed to ensure acoustic testing and an acoustic report is submitted for prior approval (in-line with Environmental Health's limits) before any occupation/operation of the proposed studio.

f) Over-looking/loss-of-privacy;

The three windows at the rear of the building are high-level but they are on the boundary with the garden to No.19 Shore Street; a condition will be added to apply either blinds or a translucent film to these windows, allowing light to penetrate but obscuring over-looking either way. These windows are existing so the situation should be noted as long-standing.

g) The building cannot be adequately sound insulated;

As above, this requires conditioned approval.

h) Light pollution (from building and waiting cars);

Lighting on/within the building will be limited by condition to the hours of operation.

i) Sub-letting of building to other groups will increase the above impacts.

This application has been assessed solely on the basis This planning consent will be tied specifically to Rush Dance and restricted to their use only via condition, to restrict it to the Applicant and not 'the land', and to restrict it to its specific Use Class 11.

8.5 Other Considerations – not material:

The proposal is inappropriate within close proximity to consecrated ground (Old St. Peter's Kirk);

Most of the residents in this vicinity are elderly;

Groups of youths will congregate in the area causing vandalism, violence and litter problems;

The Applicants were asked to leave their previous venue due to noise issues;

Parents will not use the surrounding car-parks when waiting to collect children.

8.6 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations, subject to the attached conditions.

10. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons:

1. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended, revoked or re-enacted; with or without modification) and Article 3 and Class 11 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), the development hereby approved shall be used solely for a dance studio for teaching of dance classes and for no other use or purpose.

Reason : In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

2. This permission shall enure for the benefit of the applicant 'Rush Dance' only.

Reason : In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed and does not result in over-development or an adverse impact on the amenity of the area.

3. The development hereby approved shall not operate outwith the hours of: 10:00 to 21:00 Monday to Saturday and 12:00-15:00 on Sundays.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

4. No occupation/operation of the building shall commence until a Noise Impact Assessment has been submitted to, and approved in writing by, the Planning Authority. The assessment shall be carried out by a suitably qualified and competent person and shall assess the likely impact of noise emanating from the development on neighbouring properties. Furthermore, the following should comprise part of the assessment:-

- i. A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same;
- ii. A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate. This shall include full details of the insulation measures to the walls, floor and the new ceiling within the building, as well as the new entrance screen;
- iii. A detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations;
- iv. A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations neighbouring the proposed site;

v. A survey of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development. The raw data and equations used in the calculations should be provided; and

vi. An assessment of the noise levels in comparison with relevant standards.

Development shall progress in accordance with the approved Noise Impact Assessment and all approved mitigation measures shall be implemented prior to the first occupation/use of the development, or as otherwise may be agreed in writing by the Planning Authority.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

5. The noise from amplified sound arising from within the premises shall not increase the ambient noise level, measured as a one minute LAeq, within any nearby dwelling or noise sensitive premises.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

6. The noise from amplified sound arising from within the premises shall not increase the prevailing noise level in the 63 and 125 hertz octave bands, measured as a one minute un-weighted Leq, within any nearby dwelling or noise sensitive premises.

Reason : In order to safeguard the amenity of neighbouring properties and occupants.

7. The internal lighting and any external floodlighting shall be positioned and controlled so as to prevent any direct illumination, glare or light spillage outwith the site boundary. All lighting shall be switched-off outwith the hours of operation specified within Condition 3.

Reason: In order to protect the amenity of the occupants of surrounding properties.

8. No development shall commence until details of the entrance screen at scale 1:20 in elevation and 1:2 section details through all framing components have been submitted to, and approved in writing by, the Planning Authority. The screen shall be formed from timber, although a suitably detailed metal frame may be justifiable. Thereafter the development shall be completed in accordance with the approved details.

Reason: In order to safeguard the character and qualities of the conservation area.

9. No development shall commence until details of the fixed blinds or translucent film which shall be applied to obscure the three rear windows have been submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: In order to safeguard the amenity of neighbouring properties/occupants as well as the occupants of the proposal from the potential for over-looking/loss-of-privacy.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

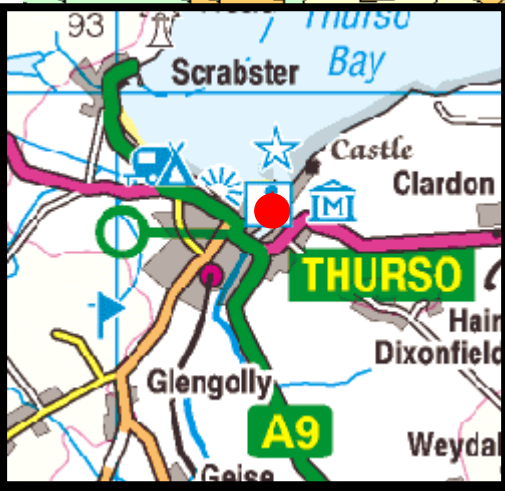
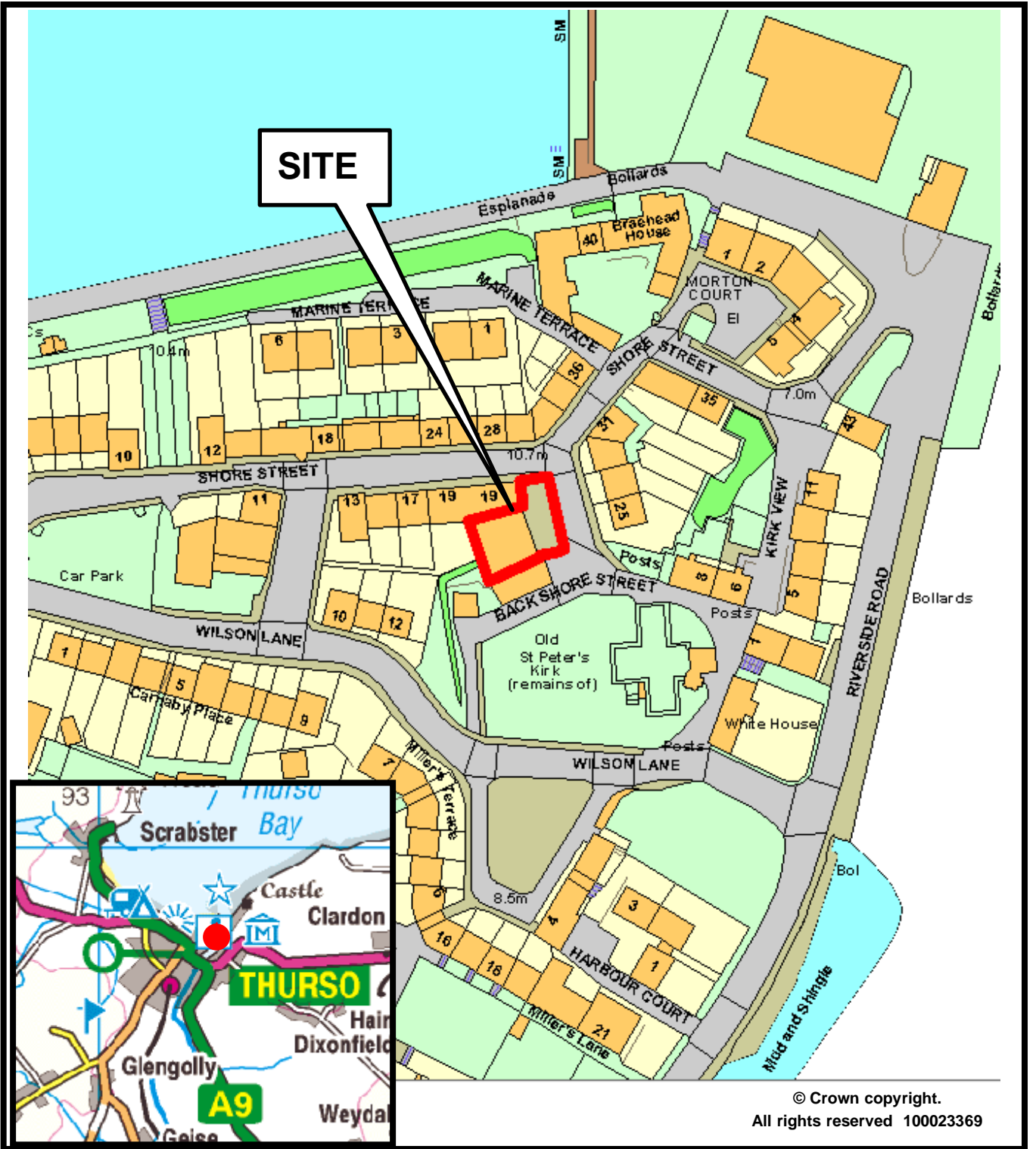
Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Norman Brockie
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Location /Site Plan
Plan 3 -- Plan of Alterations; 314/TRDC/2

Appendix 1 – Letters of Representation

Name	Address	Date Received	For/Against
Mrs J. Cowie	2 Oldfield Terrace, Thurso	07.08.2014	For
Mr. M. Brown	13 Shore Street, Thurso	01.08.2014	Against
Mr. J. O'Rourke	19 Shore Street, Thurso (attached neighbour)	05.08.2014	Against
Mr. R. Hussain	25 Shore Street, Thurso	05.08.2014	Against
Mr. J. Campbell	15 Shore Street, Thurso	06.08.2014	Against
Thurso Community Council	29 Duncan Street, Thurso	06.08.2014	Against
Mrs. E. Burns	36 Shore Street, Thurso	08.08.2014	Against
A&I Fleming	1 Morton Court, Thurso	12.08.2014	Against
Mr. & Mrs. J. Sutherland	7 Carnaby Place, Thurso	12.08.2014	Against
Mr. M. A. Lipa	3 Morton Court, Thurso	12.08.2014	Against
Mrs. W. Mackay	5 Carnaby Place, Thurso	12.08.2014	Against
Mrs. P. Smith	17 Shore Street, Thurso	13.08.2014	
Ms. Anne McKeivitt	12 Wilson Lane, Thurso	13.08.2014	Against
Mr. R. Glover	4 Carnaby Place, Thurso	13.08.2014	Against
Mrs. R. Cameron	6 Carnaby Place, Thurso	14.08.2014	Against
Mr. H. Mackay	25 Back Shore Street, Thurso	15.08.2014	Against
Ms. J. Sinclair	11 Wilson Lane, Thurso	18.08.2014	Against
Mr. D. Carruthers; A. Sinclair	29 Shore Street, Thurso	20.08.2014 21.08.2014	Against
Ms. S. Deerness	26 Shore Street, Thurso	21.08.2014	Against
Miss Lynn Gunn	22 Shore Street, Thurso	22.08.2014	Against



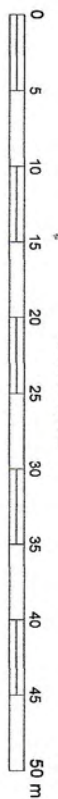
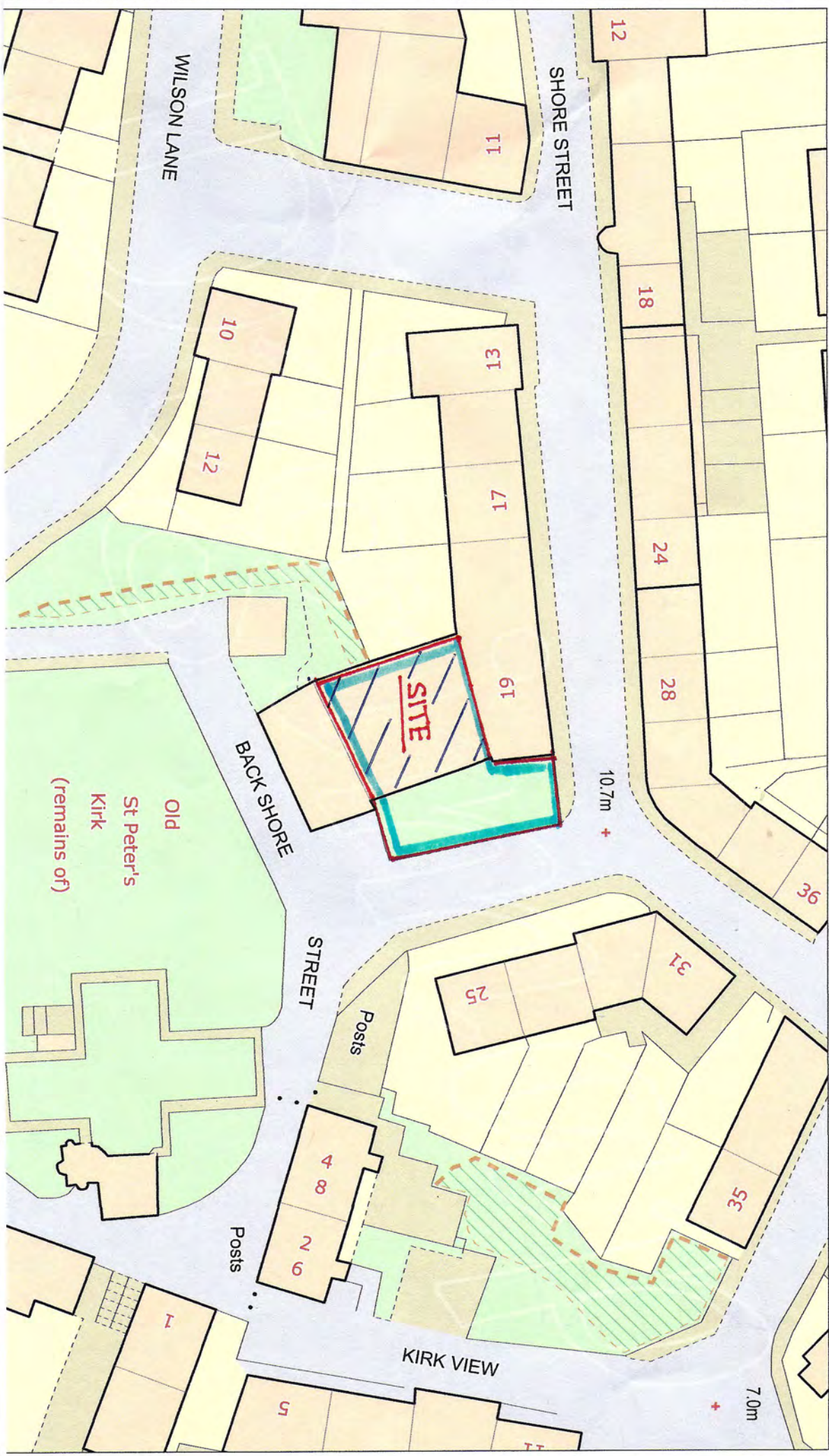
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 **The Highland Council**
Comhairle na Gàidhealtachd
Planning & Development Service

Plan 1
14/02909/FUL
Change of use from Car Showroom to Dance Studio and erection of entrance screen
25 Back Shore Street Thurso
14 October 2014



Old Thurso



PROPOSED - RUSH DANCE
STUDIO @ BACKSHORE
STREET THURSO

Notes

Floor

Studio - Junkers flooring on 22mm Mr Chipboard deck on 125 x 47mm joists packed level from existing concrete floor with Dpc under.
Other areas - Apply two coats concrete paint to existing.

Walls

Studio - Apply Masonry paint to all surfaces.

Windows / Doors

Fit new uPVC screen with low access threshold with safety glass to panels within 800mm from floor.

Roof

Studio - As existing with 75mm Insulation sheet applied to roof sheeting. Paint existing roof trusses.

Other Areas - Form suspended ceiling from 100 x 50mm timbers at 600mm ctrs fixed to trusses and sheet with 12.5mm plasterboard taped and filled, with two coats emulsion paint.

Internal Works

Erect partitions from 95 x 45mm studs @ 600mm ctrs and clad with 12.5mm plasterboard, with 60mm glass wool sound insulation between. Fit 915mm wide flush panel pre-finished doors with redwood finishings.

Electrical & Plumbing

All new installations to comply with current IEE 17th edition regulations BS 7671. Sockets set at 500mm from floor 350mm from internal corners and light switches at 1.0m from floor.

All new lights to be low energy type.
Fit optical Smoke mains alarm in studio, entrance with battery back up


















Drainage

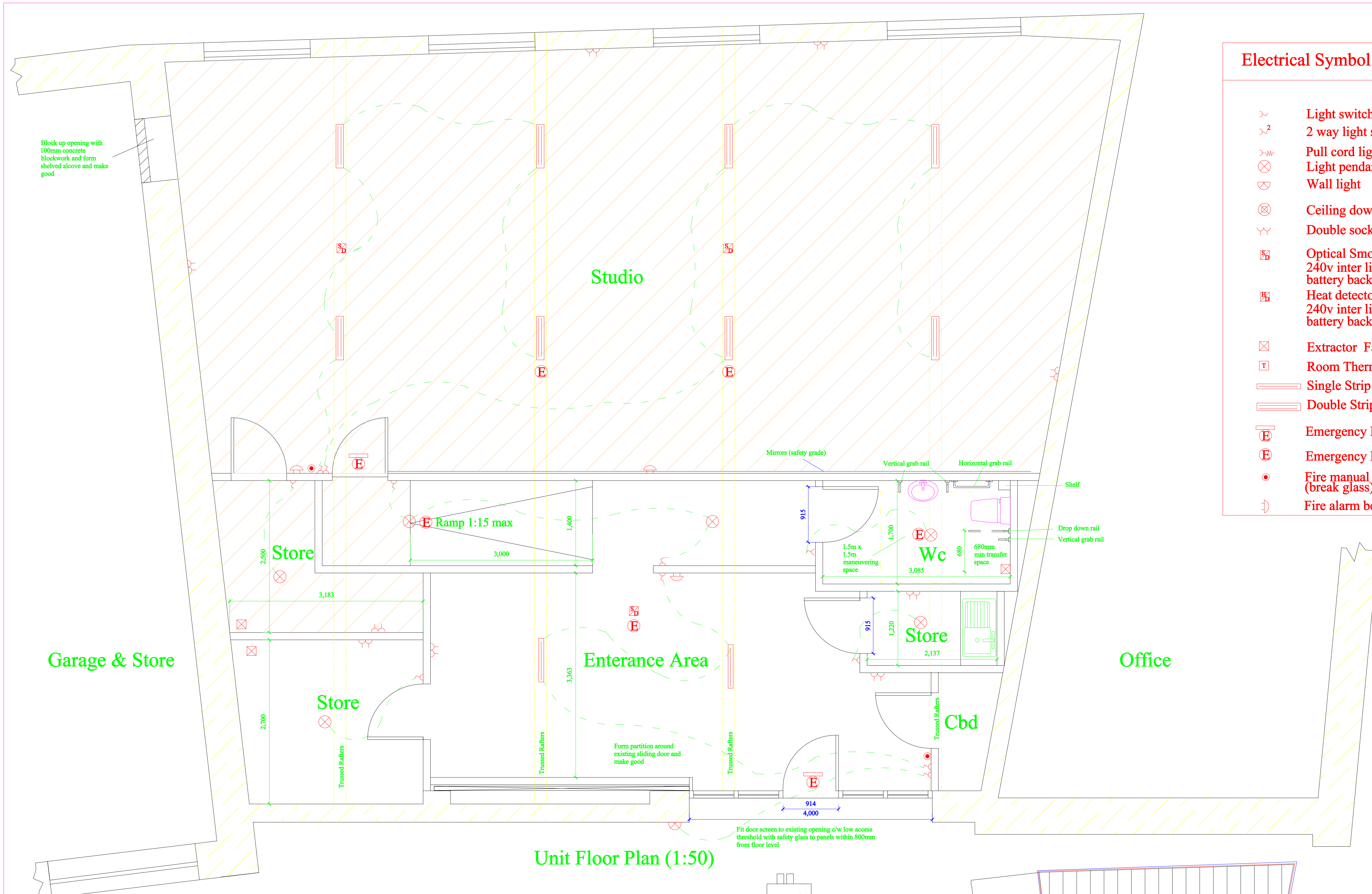
Connect WC, WHB and water supply from adjacent office building. (Same owner has this property)
Fit water saving sanitary fittings to Accessable toilet

All sanitary ware and fitting to be checked prior to use.

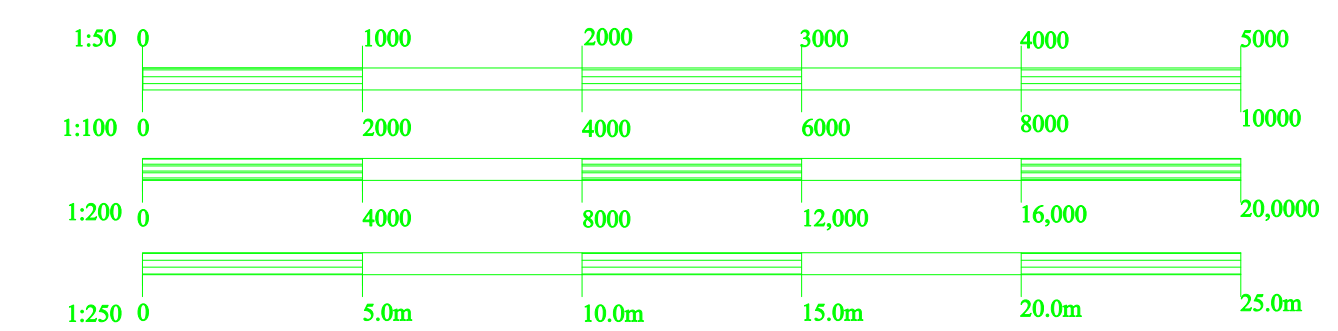
All sizes are shown in mm
All dimensions and roof pitched to be checked on site prior to construction.

Electrical Symbol Key

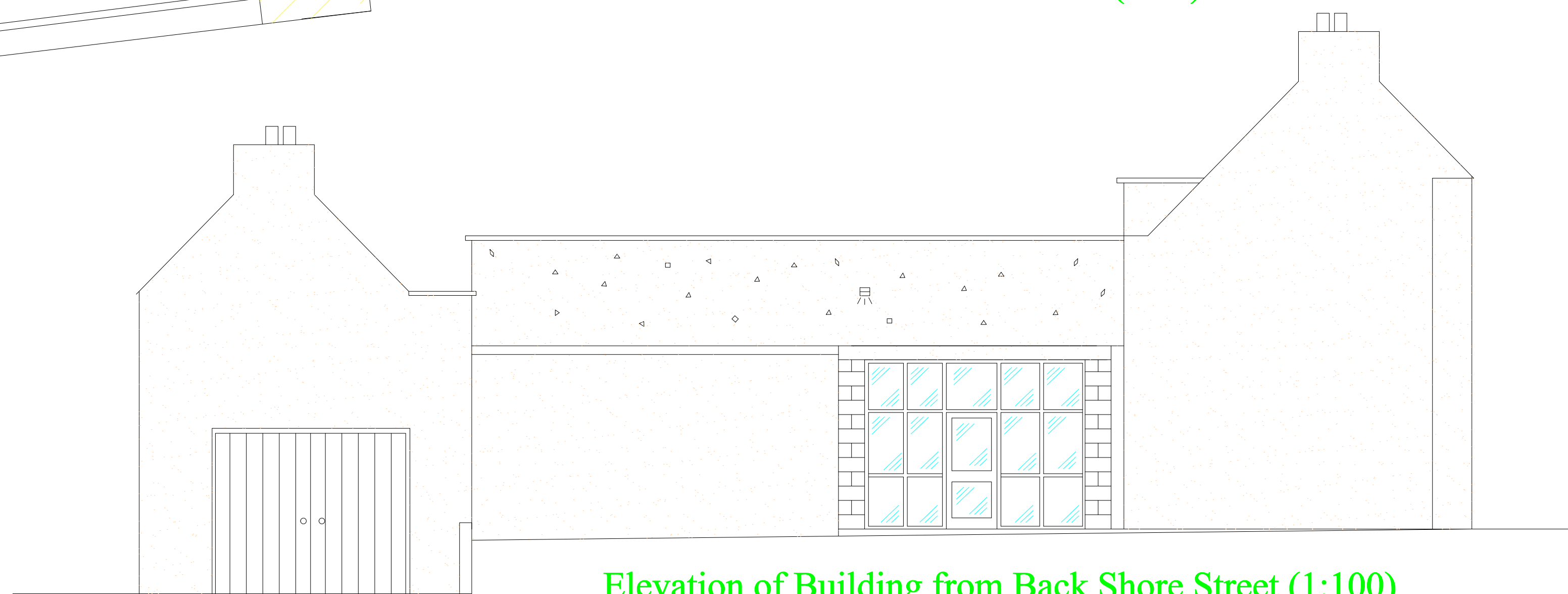
-  Light switch
-  2 way light switch
-  Pull cord light switch
-  Light pendant
-  Wall light
-  Ceiling down Light
-  Double socket
-  Optical Smoke Alarm
240v inter linked with battery back-up
-  Heat detector / alarm
240v inter linked with battery back-up
-  Extractor Fan
-  Room Thermostat
-  Single Strip Light
-  Double Strip Light
-  Emergency Exit Light
-  Emergency Lighting
-  Fire manual call (break glass)
-  Fire alarm bell



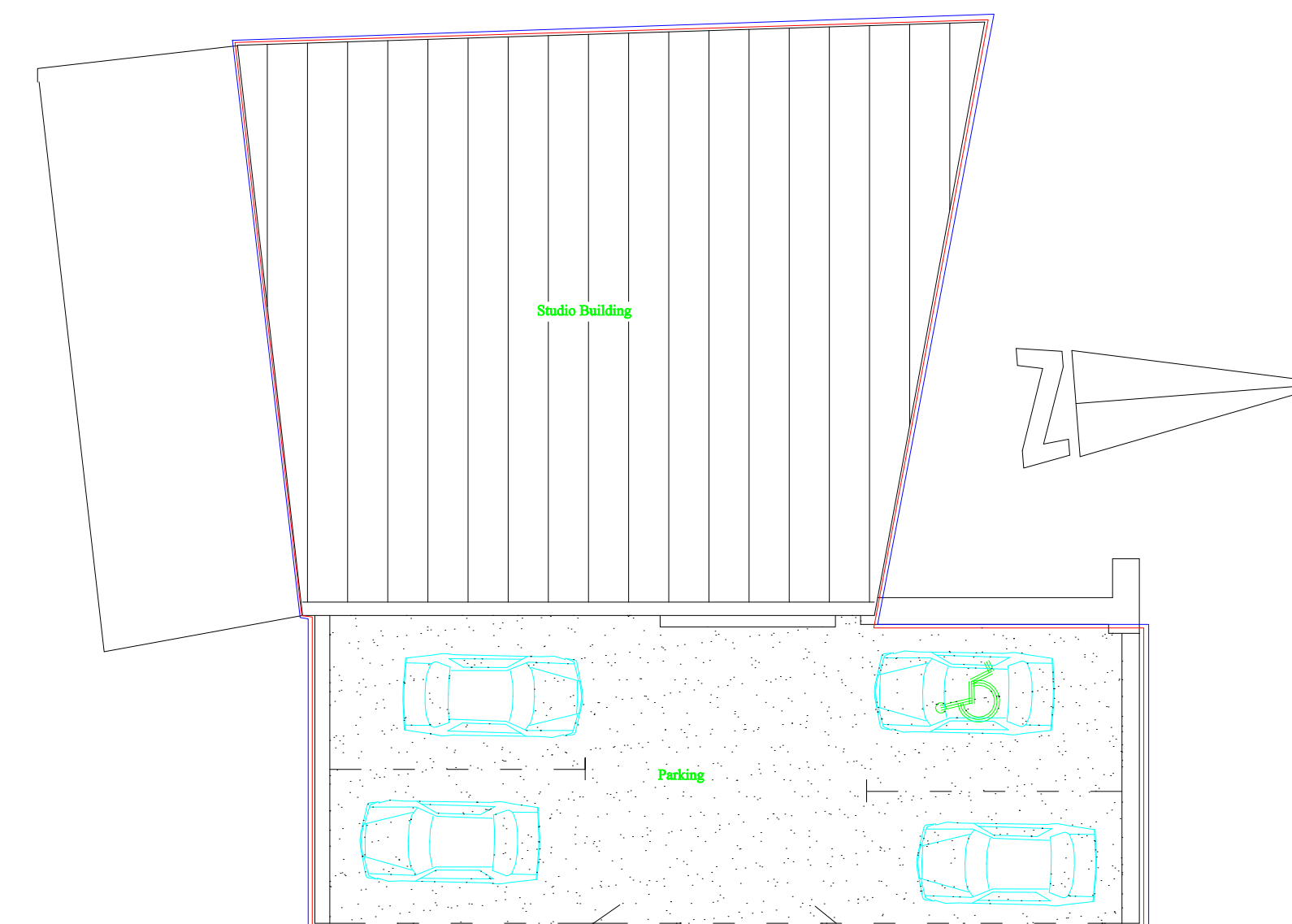
Unit Floor Plan (1:50)



Scale Bars



Elevation of Building from Back Shore Street (1:100)



Site Plan (1:200)

Proposed alterations to Unit at Back Shore Street Thurso to form studio for the Thurso Rush Dance Club

Drawing No 314/TRDC/2
Title Cottage Alterations
Drawn By JAS
Date 15/07/14
Scale(s) 1:50, 1:100 & 1:200

