

Development Management Sub Committee

Wednesday 20 June 2018

**Application for Planning Permission 17/05806/FUL
At 15 Braid Road, Edinburgh, EH10 6AE
Change of use of existing Class 10 premises to mixed use of
nursery and wedding venue, (Sui Generis).**

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|----------------------|-------------------|
| Item number | 4.4(a) |
| Report number | |
| Wards | B10 - Morningside |

Summary

The use of the premises as a mixed use events venue and childrens nursery would be an acceptable use of the building in principle. It would allow for the continued active use of the Category A listed building without the need for further sub-division of the internal spaces which would detrimentally impact on the historic character of the premises. However, the proposed noise attenuating glazing is not to a sufficient standard and potential late night operating hours of the premises would have an adverse impact on neighbouring residential amenity. Therefore, the proposal fails to comply with policies Hou 7 and Ret 8 of the LDP as it would have a materially detrimental effect on the living conditions of nearby residents. In addition, the proposals would significantly increase demand for on street parking spaces during evening hours which would have an adverse impact on the amenity of neighbouring occupiers and is contrary to LDP policy Tra 2.

Links

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| <u>Policies and guidance for this application</u> | LDES05, LEN04, LEN06, LRET08, LHOU07, LTRA02, LTRA03, NSLBCA, NSBUS, NSGD02, CRPMON, |
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Report

Application for Planning Permission 17/05806/FUL At 15 Braid Road, Edinburgh, EH10 6AE Change of use of existing Class 10 premises to mixed use of nursery and wedding venue, (Sui Generis).

Recommendations

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

Background

2.1 Site description

The site comprises the former South Morningside Free Church which has until recently been run as the church centre to Cluny Parish Church, and previously as an annex to South Morningside Primary School. The building was constructed in the 1890's and comprises a tower with the main church building and adjoining hall area. The property is category A listed (reference 26810, 14/12/1970).

The interior of the building was extensively altered when ecclesiastical use of the building ceased in the 1970's. The main church space has been sub-divided into two levels, with a hall remaining at upper storey and smaller rooms formed at lower level. The upper storey hall retains views to the original timber vaulted roof form and stained glass windows.

This application site is located within the Morningside Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application proposes a change of use of the existing building from a vacant school/community centre (Class 11), to a mixed use children's nursery and wedding/events venue (Sui Generis). The building is currently split over 2 levels and it is proposed that the nursery use would occupy approximately 50% of the ground floor level, with the remainder of the space occupied by the events space. The proposed uses would be physically separated by new internal walls and would utilise different existing access points to the building.

There are no physical alterations proposed to the property which would constitute development requiring the benefit of planning permission. Internal and external alterations have been assessed in concurrent application 18/00605/LBC.

Supporting Documents

The applicant has submitted a Noise Impact Assessment and Transport Statement relating to the proposals. These can be viewed 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 harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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 use of the premises for a mixed use events venue and childrens nursery is acceptable in principle in this location;
- b) the proposals will adversely impact on the character of the conservation area and its appearance or the special interest of the listed building;
- c) there will be any loss of privacy or amenity to local residents;
- d) there are any transport or highway issues;
- e) the issues raised in the representations have been addressed; and
- f) there are any equalities or human rights issues.

a) Principle

The application proposes a mixed use of the premises of an events venue and childrens nursery (Sui Generis).

Policy Ret 8 of the Local Development Plan (LDP) advises that planning permission will be granted for leisure developments outwith the defined preferred locations where a sequential approach has been taken, the site is easily accessible by a variety of transport modes and will not lead to an unacceptable increase in traffic locally, the design safeguards the existing character of the area and the proposal is compatible with surrounding uses.

The supplementary information submitted states that the main use of the premises is intended as a wedding venue. Given that the property has a historical ecclesiastical and was built for this purpose, a use associated within the holding of weddings would be a logical purpose for the building. There are no vacant properties within the neighbouring designated Morningside Town Centre which would provide the same opportunities to host this use. The boundary of the Comiston Local Centre is located 80 metres to the north of the site less than 150 metres to the Morningside Town Centre area beyond. The proposal therefore meets the essence of the sequential tests.

There are no physical alterations to the appearance of the property requiring planning permission proposed and the existing building design would be safeguarded through the proposed use. The impact of the proposals in terms of neighbouring residential amenity has been addressed in section 3.3c below. The accessibility of the site is addressed in section 3.3d below.

The proposed nursery use would fall within the existing lawful Class 10 use of the premises and the principle of this part of the proposed use is therefore acceptable.

The proposals are acceptable in principle subject to compliance with other policies in the plan.

b) Impact on the listed building and Morningside Conservation Area

Policy Env 4 of the LDP advises that proposals to alter a listed building will be permitted where these alterations are justified, there will be no unnecessary damage to historic features and additions are in keeping with other parts of the building. Policy Env 6 advises that development will be permitted where it preserves or enhances the special character or appearance of the conservation area.

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

There are no physical alterations proposed which would require the benefit of planning permission. The proposal therefore complies with policies Env 4 and Env 6 of the LDP.

c) Impact on neighbouring amenity

Policy Hou 7 of the LDP advises that changes of use will not be permitted which would have a materially detrimental effect on the living conditions of nearby residents. It is located within a predominantly residential area, and has been a site of public congregation since the residential properties were built.

The proposed change of use to an events venue would have the potential to materially affect the character of the existing use. Although there are currently no restrictions on the hours of operation, the Class 10 use does not regularly operate during late evening hours. The current application proposes an operational time until 1am, 7 days a week. Although the main potential noise generating activities proposed would be subject to licensing regimes, including public entertainment licences and alcohol licences, it is deemed appropriate in this instance to restrict hours of operation through the planning system should Committee be minded to grant this application.

Environmental Protection has raised concerns that the proposed secondary glazing would provide insufficient protection against noise breakout from the proposed use to the closest affected residential properties. It was also noted that the application fails to propose any ventilation from the premises, which would have the potential to increase levels of predicted noise breakout. The noise impact assessment has also failed to take into account potential external street noise and disturbance created from the proposed events use which could have an adverse impact on neighbouring amenity. In this regard, the proposed change of use would fail to meet the requirements of policy Hou 7 of the LDP.

The application indicates that the nursery will have a maximum occupancy of 108 and up to 220 attendees for the events space. Given the historical uses of the building, this level of occupancy is not out of character with the existing lawful use, where large groups could utilise the building. However, what the application does propose is the potential for a large volume of users exiting the premises at a similar time during night time hours. The proposed use would also involve live/recorded music significantly later in the evening than the existing Class 10 use currently operates within. All of these aspects of the proposed use would have the potential to adversely impact on the amenity of existing neighbouring residential properties.

There is a large kitchen area (82 sq/m) proposed on the ground floor of the building associated with the proposed events use. No details of proposed cooking or ventilation equipment associated with this facility have been submitted as part of the application. As this area is situated on the Cluny Drive facing principal elevation of the building, this would not be a suitable area for any proposed extract flues and there are no existing chimneys on the building which could be utilised for this purpose.

An alternative Noise Impact Assessment has also been submitted as part of the representations made by neighbours which reiterates the concerns raised by Environmental Protection.

d) Transport issues

Policy Tra 2 of the LDP relates to the provision of private car parking for new development and Policy Tra 3 relates to the provision of private cycle parking. The Edinburgh Design Guidance identifies that there are no minimum standards for the provision of off street car or cycle parking for an events venue of the nature proposed. Although there are minimum standards relating to the provision of private cycle and motorcycle parking for the nursery part of the proposed use, this is established in the existing building and no specific change of use would be required to continue this use without the formation of new off street cycle and motorcycle parking.

A transport assessment has been submitted as part of the supporting documents. The report identifies that the building is situated within an area which is widely accessible by foot and the public transport network.

In terms of the neighbouring road network, it is not considered that the proposal will introduce a significant increase in overall traffic movements. The site has retained 'keep clear' restrictions directly around the building, which were introduced during a previous school use. These will restrict the ability of the area immediately adjacent to the site to be used for taxi movements and deliveries. However, what the proposed use would introduce is a greater demand for on street parking during evening hours than the existing situation where parking restrictions on neighbouring streets are aimed at reducing commuter parking. Although there will be little change in the capacity of the building from the existing use, the proposal would be likely to generate a significant demand for on street parking at times of day/evening which cannot be adequately mitigated through on-street parking control.

No details of proposed waste collections have been submitted as part of the application. However, this is likely to utilise an existing waste storage facility at the eastern end of the site. In addition, given the presence of the existing 'keep clear' restrictions directly around the site, the transport statement submitted has made no mention of how the proposed events venue in particular would be serviced.

Given that the proposed use is expected to have an adverse impact on the amenity of neighbouring occupiers through the impact on on-street parking, which cannot be adequately mitigated through on-street parking control, the proposed use is contrary to LDP policy Tra 2.

e) Representations

Material Comments – Objection

- Insufficient parking provision (addressed in Section 3.3d);
- Noise impact on neighbouring amenity (addressed in Section 3.3c);
- Anti social behaviour creation (addressed in Section 3.3c);
- Significant increase in traffic movements (addressed in Section 3.3d);
- Smells (addressed in Section 3.3c);
- No detail of proposed waste collections and deliveries (addressed in Section 3.3d);
- Fails to preserve or enhance character of conservation area (addressed in Section 3.3b);

- Failure to comply with Policies Ret 8 and Hou 7 of the LDP (addressed in Section 3.3c);
- Impact on special interest of listed building (addressed in Section 3.3b);
- Contrary to policy Env 6 (addressed in Section 3.3b);
- Contrary to policy Tra 2 (addressed in Section 3.3d); and
- Impact on human rights (addressed in Section 3.3f).

Material Comments - Support

- Secures use of redundant listed church building

Non Material Comments

- Contrary to policies Des 5, Des 12, Ret 6 & Ret 7 of the LDP (not relevant to the proposals);
- Proximity of representations to site (not relevant to the proposals);
- Litter (not relevant to the proposals);
- Would allow for unlimited Class 11 uses (not relevant to the proposals);
- Insufficient information (sufficient information has been submitted to make an assessment of the proposals);
- Not advertised as a bad neighbour development (application advertised in accordance with The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013);
- Loss of existing community resource (not relevant to the proposals);
- Suitable alternative uses of listed building (not relevant to the proposals); and
- Contrary to local transport strategy (not relevant to the proposals).

Community Council

Morningside Community Council has objected to the proposals on a number of grounds which are set out in the appendix section of the report.

f) Equalities

The application raises no issues in terms of equalities. Representations submitted raised concerns that the proposal fails to comply with Article 1 and Article 8 of the Human Rights Act. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. The proposed development has been assessed against the LDP which is compatible with the Human Rights Act.

Conclusion

The use of the premises as a mixed use events venue and childrens nursery would be an acceptable use of the building in principle. It would allow for the continued active use of the Category A listed building without the need for further sub-division of the internal spaces which would detrimentally impact on the historic character of the premises. However, the proposed noise attenuating glazing is not to a sufficient standard and potential late night operating hours of the premises would have an adverse impact on neighbouring residential amenity. Therefore, the proposal fails to comply with policies Hou 7 and Ret 8 of the LDP as it would have a materially detrimental effect on the living conditions of nearby residents. In addition, the proposals would significantly increase demand for on street parking spaces during evening hours which would have an adverse impact on neighbouring occupiers and is contrary to LDP policy Tra 2.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas and Policy Ret 8 in respect of Entertainment and Leisure Developments as the proposed use would have a materially detrimental effect on the living conditions of nearby residents.
2. The proposal is contrary to the Local Development Plan Policy Tra 2 in respect of Private Car Parking, as the proposed change of use would have an adverse impact on the amenity of neighbouring occupiers as a result of an increased demand for on street parking which cannot be adequately mitigated.

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. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

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 considered 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

The application received 193 comments in objection to the proposals, and 33 comments in support. An objection was submitted by The Community Council. A summary of the matters raised can be found in the assessment section of the report.

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

Located within the urban area as defined in the Local Development Plan, also in the Morningside Conservation Area.

Date registered

11 January 2018

Drawing numbers/Scheme

01-4, 05A, 06,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Links - Policies

Relevant Policies:

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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

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

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

The Morningside Conservation Area Character Appraisal emphasises that the architectural character of the conservation area is largely composed of Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of private open space. The villa streets are complemented by the profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas which are in variety of architectural styles are unified by the use of local building materials.

Appendix 1

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Consultations

Morningside Community Council

I now write on behalf of the Community Council to advise you of the decision taken at its public meeting on Wednesday 21st March 2018.

Members noted the following at the above meeting:

- a) 193 objections had been submitted against the application 33 supporting comments.
- b) An analysis of the comments revealed that 97% of the local (EH10) comments were against the application, as against a mere 3% supporting.
- c) More distant comments were split almost equally between objections and support.
- d) Overall, objections outweighed supporting comments by 86% to 14%.
- e) All comments received from residents by the Community Council were objections.

The former church premises are located a short distance from the Morningside Town Centre in a quiet predominantly residential area of family houses and some flatted properties. The premises have been used for many years by a variety of community clubs and societies, including a period as an annexe to South Morningside Primary School. Late evening activities (up to 10.45 pm) are reported to have been infrequent - 2 to 3 times a year and these had not given rise to complaint. Attendances had primarily been local and on foot.

Members:

- I. Have previously expressed their desire to see these Grade A-listed former church premises put to a new use, preferably one that supports the local community.
- II. Did not consider that the present application was appropriate nor was it likely to be the only option for the premises.
- III. Recognised that new uses for the former church are likely to lead to some parking and loading demand
- IV. Considered that there could be few other uses that would be likely to generate more parking demand than that as a wedding venue.
- V. Considered that wedding guests would be the least likely users of the premises to use public transport or bicycles as their preferred means of transport.

Consequently, members determined unanimously that an objection should be submitted against the above Change of Use application on the five principal grounds set out below.

1) Unacceptable Noise:

The applicant has submitted an Environmental Noise Assessment prepared by the Robin Mackenzie Partnership. This document is seen as inadequate as it only addresses noise break-out from within the premises. It thus fails to address many of the sources of noise of concern to neighbours and which will be generated by the proposed use of the premises, specifically noise -

- a) From people standing around smoking, drinking or just cooling off outside the building.
- b) From people and vehicles as they depart the premises at 1.00 am or later.
- c) From staff and, for example a band, clearing up and leaving quite some time after that.
- d) From taxis and buses sitting outside the premises and in adjacent streets with engines running.
- e) From daytime glass collections and beer lorry deliveries.
- f) From emptying of glass into bins late at night.
- g) From forced ventilation/air handling units which the new uses would require.

2) Non-availability of Parking:

There is no off-street parking possible at this property. All parking demand is therefore imposed on surrounding streets. This is unacceptable for the undernoted reasons:

- a) With the exception of the part-time priority parking spaces during daytime, surrounding streets are already usually full of parked cars, day and night.
- b) There are no parking spaces for the large numbers of people quoted by the applicant as likely to be attending the premises, i.e. up to 220 guests, or even an average 120 guests, for a wedding. This would be likely to cause parking chaos.
- c) An afternoon wedding coinciding with the nursery in use could mean numbers of people attending the premises could be up to 350.
- d) Weddings are considered likely to generate car-borne visitors from a distance with an expectation of local parking.

3) Anticipated Traffic

The applicant has submitted a Traffic Assessment prepared by Traffic Planning Ltd. This document appears incorrect or inapplicable in the following respects:

- a) The notion that the traffic to the venue will be similar to that when the church or the school was in use is not accepted. Guests come from far and wide to a wedding. The previous church and primary school attendees were mainly local and hence on foot.
- b) Further, the notion that people will come and go to an evening wedding using the regular bus service is considered impractical as the regular bus services quoted do not run until 1.00 am.
- c) The number of wedding guests likely to attend weddings by bicycle in their best party wear can be discounted.

d) The numbers referred to above will clearly cause a large number of vehicle movements, particularly as attempts are made to find parking spaces. Some 50 to 100 people could well be trying to park as near as possible to the building with consequent risk of traffic incidents around the tight street junctions where parked vehicles already reduce sight lines and road width.

e) If prospective wedding guests are advised of the absence of car parking facilities then there will be a significant demand for taxis and hired buses which are likely to have to double park, engines running and causing obstructions in the surrounding streets. It can be anticipated that a 1.00am closure of a wedding function could generate demand for 50 to 100 taxis. This level of servicing of the location cannot be reasonably accommodated around these premises.

f) Regular brewery and catering deliveries and waste collections are likely to cause an obstruction to traffic due to the vehicle size and the narrowness of the surrounding streets.

g) Community Council members consider that, contrary to the submitted Traffic Assessment statements, the proposed use is a significant travel generating use and that it will have a detrimental effect on the capacity of the strategic road network.

4) Dispersal of Cooking Odours

The provision of a ground floor bar and large kitchen will require the introduction of forced ventilation, leading to cooking smells being distributed to neighbouring properties.

5) Non-Compliance with Planning Policies:

There is direct conflict between the proposed development and the adopted policies in the Edinburgh Local Development Plan November 2016, specifically:

a) It would clearly be "damaging to the character or appearance of the area around it", contrary to Policy Des 1.

b) It would be detrimental to neighbourhood amenity and character, contrary to Policy Des 12.

c) It would fail to "preserve or enhance the special character or appearance of the conservation area" and would not be "consistent with the relevant area character appraisal" contrary to Policy Env 6.

d) It would "have a materially detrimental effect on the living conditions of nearby residents", contrary to Policy Hou 7.

e) The quoted use levels suggest that the criteria in Policy Tra 1 would require this venue to be located elsewhere than in a quiet residential area.

f) Compliance with Policy Tra 2 is not possible due to the impact on the residential occupiers and the local bus travel proposals have been shown to be impracticable due to the late closing time proposed.

The Morningside Conservation Area Character Assessment refers to the contrast between the busyness of the Morningside Town Centre and the "general tranquillity in the residential hinterland of the conservation area". The "Essential Character" of the area is described as "The peaceful Victorian environment of high quality and high amenity residential uses".

The whole purpose of a Conservation Area designation is to preserve and enhance the environment. Any development in a Conservation Area is required to contribute to the character and amenity of the area. The issues outlined above will be very detrimental to the character and amenity of this very quiet part of the Morningside Conservation Area.

We note that the definition of a "Bad Neighbour Development", as defined in The Town and Country Planning (General Permitted Development)(Scotland) Order 1992, whilst not directly applicable to this application, is nonetheless a most apt summary of what residents feel about the present application, namely:

"the construction of buildings, operations, and use of buildings or land which will—

- (a) affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or discharge of any solid or liquid substance;
- (b) alter the character of an area of established amenity;
- (c) bring crowds into a generally quiet area;
- (d) cause activity and noise between the hours of 8pm and 8am; and
- (e) introduce significant change into a homogeneous area."

Morningside Community Council members request that in the light of the above issues the Development Management Sub-Committee refuses planning consent for the proposed Change of Use of the Cluny Centre.

Environmental Protection

The applicant proposes using an existing church building for a mixed-use children's nursery and wedding venue. It is understood that the building already provides a degree of childcare as is permitted under the existing class 10 consent. The building is in an established residential area. The proposed building/venue is set over two floors, with bar & reception area proposed on the ground floor and stage and seating on the first-floor level.

The nearest noise sensitive locations are the residential dwellings located to the north and west on Braid Road, and to the south and east on Cluny Drive. The applicant has submitted a supporting noise impact assessment and provided detailed drawings showing the specific details of the required secondary acoustic glazing.

The noise impact assessment indicates that there could be a high level of noise breakout from the existing windows on the northern, western, and southern elevations. There are also two vents on the eastern façade which will be a pathway for noise breakout. It was noted that this could not be verified during the noise impact assessment as they are located too high near the roof-level. The noise impact assessment could not establish the level of noise breakout through the roof structure. This is a cause of concern for Environmental Protection as in an old building such as this the noise breakout via the roof could be significant.

It is understood that the proposals for the venue will include entertainment activities such as live bands and DJs, so predictions of noise breakout have been carried out using library measurements of reverberant noise levels for a similarly sized entertainment venue. As with any modelling there are always elements of doubt.

The noise impact assessment has predicted that internal noise levels in the most affected rooms of the neighbouring dwelling to the north would be expected to significantly exceed the required noise criterion, based on the measured noise breakout from the existing building envelope. Exceedances were also predicted for the western (up to 15 dB) and Southern (up to 11 dB) residential dwellings. This has been modelled with 91dB as a typical DJ noise level, for a venue of this size it may be possible for bands and DJ's to exceed this level and therefore raises doubt if the worst-case scenario has been modelled.

The predicted internal noise levels in the most affected rooms of the neighbouring dwelling to the east is expected to comply with the required criterion, based on the measured noise breakout from the existing building envelope. The noise impact assessment believes this is due to the screening provided by the pitched roof of the Lower Hall building.

The applicants noise impact assessment has recommended that noise mitigation measures will be required to ensure that proposed entertainment activities would be inaudible inside the nearest residential dwellings, the noise impact assessment recommends that 10.4 mm laminate secondary acoustic glazing spaced at least 200 mm behind the existing windows on the north, south and west elevations is installed.

Furthermore, the noise impact assessment recommends that all existing vents and outlets through the external walls and roof should be blocked unless they are to be utilised in the ventilation scheme, in which case they would need to be attenuated appropriately to provide equivalent attenuation to the glazing. The noise impact assessment has not provided specific details regarding the ventilation. A ventilation strategy would need to be considered as without adequate ventilation the property may be required to open windows and doors to ventilate during events. If ventilation is installed then plant noise would need to be fully considered.

The applicants noise impact assessment has correctly recognised that the windows are the weakest element in the current building fabric, however the noise impact assessment has also recognised that following the proposed upgrading the overall sound insulation achieved may be limited as other elements such as the eastern windows or roof structure may not be capable of containing the music/crowd noise.

Currently the building is a reasonably well utilised during the day. However, the area quietens at night and with all the commercial aspects of the premises closing during the evening. Using the building as a wedding venue will cause external street noise and disturbance should they operate late into the evening and night time and can impact upon localised residential amenity. Noise of this type is also difficult to mitigate and can result in complaints being received from residents. In this respect, the applicant has not considered this as a possible noise impact on residents.

Following consideration of the results and conclusions of the noise impact assessment, it is not accepted that the surrounding residential properties will still have a reasonable level of amenity, without a requirement for possible unknown further mitigation measures as well as possible street noise that could not be easily mitigated. Therefore, Environmental Protection recommends the application is refused.

Waste Services

No response.

Transport Planning

The application should be refused.

Reasons:

The wedding venue use is proposed to operate between 11am and 1am daily. The existing waiting and loading restrictions and controlled parking measures operate over a limited timescale, aimed particularly at addressing the impact of commuter parking. The proposed wedding use is considered to be contrary to Transport Policy Tra 2 Private Car Parking in that parking is expected to have an adverse impact on the amenity of neighbouring occupiers through the impact on on-street parking. It is considered that these adverse impacts cannot be adequately mitigated through on-street parking control. In addition, the proposed use is considered likely to attract a high proportion of car users who are unlikely to be able to be served by public transport or other non-car modes.

Should you be minded to approve the application, the following should be included as conditions or informatives as appropriate:

1. Contribute the sum of £2,000 to progress a suitable order to amend the existing waiting and loading restrictions and school keep clear markings as appropriate;
2. The applicant should be required to provide 14 cycle parking spaces and 1 motorcycle space for the nursery use in a secure and undercover location;
3. The applicant should be required to provide 4 cycle parking spaces and 1 motorcycle space for staff use for the wedding venue in a secure and undercover location;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan.

Note:

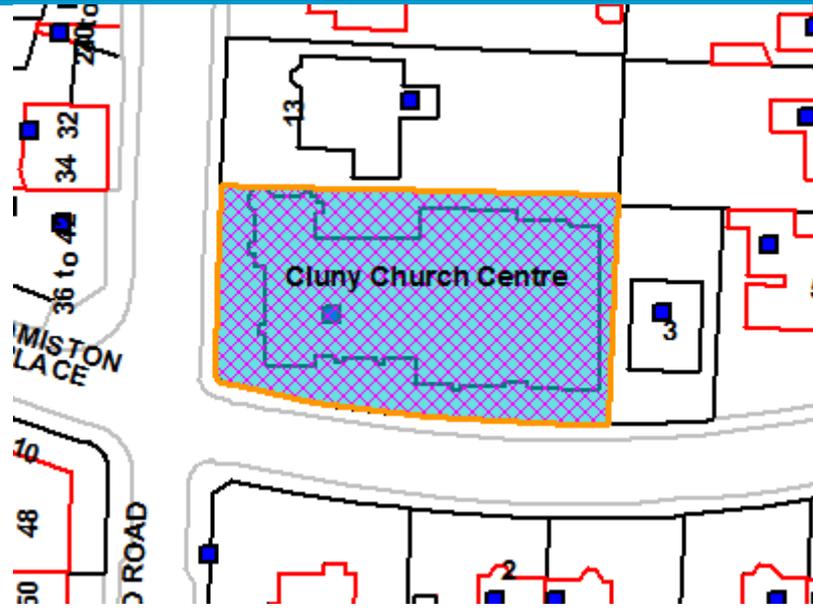
The proposed nursery use is considered to be a continuation of the existing school use and the impact on traffic and parking is considered to be largely neutral. The Council's parking standards permit up to 1 car parking space per 3 staff, with cycle parking required to be 2 spaces plus 1 per 7 staff and 1 per 10 pupils.

Existing parking controls restrict parking bays to permit holders only between the hours of 1.30pm and 3pm on Monday to Friday. Other yellow line restrictions and school keep clear markings apply.

Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Location Plan



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