

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Housing, Environmental and Economic Development**

**Planning Committee: 1 November 2011**

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#### **DC11/170    Change of use of the vacant first floor to gym at Peppermint Park, 8 Dunn Street, Clydebank by Ms K Young**

#### **1.    REASON FOR REPORT**

- 1.1**    This application relates to a property owned by the Council. Under the terms of the approved scheme of delegation it therefore requires to be determined by the Planning Committee.

#### **2.    DEVELOPMENT DETAILS**

- 2.1**    The application site is part of the upper floor of a 2 storey building within the centre of Dalmuir. The ground floor of the building is occupied by the Co-op supermarket and post office, and the upper floor is currently vacant with most of it having last been used as a night club some years ago, and the remainder never having been occupied since the building was erected in the 1970s. To the front of the site there is a large pedestrianised area, on the western side there is a road and tenement flats, to the rear there are flats, and on the eastern side there are some single storey shops which adjoin the building.
- 2.2**    The applicant proposes to change the use of the former nightclub area to a gym. There would be no external changes made to the building apart from the reinstatement of the existing windows and the entrance at the side of the building, all of which are currently boarded up. Internally the only structural changes would involve the installation of showers in the existing male and female toilets and the formation of a disabled toilet/shower room. The existing kitchen would be retained and a snacks and drinks area. Two gym areas would be formed in what were previously the function suite and lounge bar rooms. These two gym rooms would have a capacity of 20 and 33 users respectively. One of the gyms would contain exercise equipment and the other would be used for aerobics classes. The proposed opening hours have not been finalised, but the applicant envisages that the gym would operate from around 7/8 am to 8/9pm Monday to Friday, and 7/8 am to 2pm on Saturdays, with the facility being closed on Sundays. The remainder of the first floor, which has never been used, would not form part of the immediate plans but may potentially be used to expand the business in the future. The building has no dedicated car parking, and it is proposed that existing public parking in the surrounding area would serve the use.

### **3. CONSULTATIONS**

- 3.1** West Dunbartonshire Council Estates Section has no objection to the proposal, but notes that the applicant would also require the consent of the Council as landlord.
- 3.2** West Dunbartonshire Council Environmental Health has no objection, subject to conditions relating to the noise and opening hours.
- 3.3** West Dunbartonshire Council Roads has no objection to the current plans given that the peak times for the gym are likely to differ from those for the shops. However, any future expansion into the vacant part of the building would require to be assessed once the use of that area was known.

### **4. REPRESENTATIONS**

- 4.1** One representation has been received from a local resident. They are concerned about parking for the development as residents on Dunn Street already experience problems parking on their street as people visiting the local shops tend to park there. In addition, the car park next to the library has a number of spaces taken up with recycling bins, which makes the situation more difficult.

### **5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN**

#### West Dunbartonshire Local Plan 2010

- 5.1** The property is identified as being within a local centre and Policy RET7 states that the Council will seek to protect and enhance vitality and viability by encouraging improvement to the existing floorspace and supporting the establishment of new uses where appropriate. The proposed use accords with the above policy for the reasons detailed in Section 6 below.

### **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

#### Principle of the Use

- 6.1** The Co-op store was built in the 1970s and the upper floor was originally intended to be used as a function suite. However, this use was not implemented and part of the upper floor was used as a nightclub with the other part remaining vacant. The nightclub use ceased in the mid 1990s and the whole of the upper floor has been vacant since that time. It is desirable to bring the accommodation back into an appropriate use so that it can contribute to the vitality and viability of the local centre by generating footfall and adding to the variety of uses in the area. A gymnasium use would be consistent with the original intended use of the first floor for leisure purposes. The provision of a gym would also support the Council's aim of encouraging healthier lifestyles.

### Impact on the Amenity of the Area

**6.2** Residential properties are located within approximately 25 metres of the building, however it is considered that these are unlikely to be affected by noise coming from the building. The agent has stated on behalf of the applicant that any amplified music played would be fairly low level during the day but would be louder in the evening during aerobic type classes. The external wall and roof construction is of solid concrete and there are no windows on the rear elevation which would help to contain noise within the building. Most of the windows, which are currently boarded up for security reasons, are at the front of the property facing away from the flats, although there are 2 windows on the side elevation facing Dunn Street. The level of music arising from the gym is likely to be lower than that from the former nightclub, and the opening hours will be much less likely to give rise to disturbance to neighbours. Environmental Health has no objections to the principle of the development, subject to conditions relating to noise control. It is therefore considered that the proposal is unlikely to give rise to any significant disturbance to local residents. However, as a gymnasium would fall within the 'Assembly and Leisure' use class, which also includes such uses as bingo halls and discotheques which may raise other amenity issues, it would be desirable to restrict the use of the property to a gymnasium by way of a condition.

**6.3** Existing parking provision within the area was provided at the time when the Co-op building was first built, and took into account the intended use of the first floor as a function suite. Whilst the level of parking may not be to current standards and there may be some localised difficulties at certain times, overall the parking in the area is considered to be sufficient. The main car parking area behind the building is within a few metres of the gym entrance and the property is located in an area which is well served by buses travelling along Dumbarton Road and is close to Dalmuir railway station. The Roads Service has no objections to the current proposal

## **7. CONCLUSION**

**7.1** The proposed re-use of the property as a gym is considered to be appropriate as it would not have a detrimental impact on nearby residential or commercial properties and complies with local planning policies. The provision of a gym at this location would increase the variety of uses found in this local centre contributing to its vitality and viability, and would bring a vacant unit back into use which is welcomed. The gym would provide a facility for local people to use which would encourage people to live healthier lives.

## **8. RECOMMENDATION**

**8.1** **Grant** full planning permission subject to conditions set out in Section 9 below.

**9. CONDITIONS**

- 01. The development hereby approved shall commence within a period of 3 years from the date of this decision notice.**
- 02. The developer shall submit to the Planning Authority in writing upon the forms specified for the purpose and attached to this decision notice:**
  - a) A Notice of Commencement of Development as soon as practicable once it is decided to commence the development hereby approved (which shall be prior to the development commencing);**
  - b) A Notice of Completion of Development as soon as practicable once the development has been completed**
- 03. Notwithstanding the provisions Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent order(s) amending, replacing or re-enacting it, the premises shall be used solely as a gymnasium and for activities ancillary thereto, and shall not be used for any other purpose (including a 'Class 11') purpose, without an express grant of planning permission.**
- 04. Notwithstanding the Town and Country Planning (General Permitted Development ) (Scotland) Order 1992 (as amended) and the Use Classes Order (Scotland) 1997 or any order(s) amending, replacing or re-enacting them, the unused area identified for possible future development on plan no. AL(0)02 does not form part of this consent and any use of this area will require an express grant of planning permission for a change of use.**
- 05. Prior to the commencement of the use full details of the proposed music system, including location of all speakers and volume of music, and proposed noise mitigation measures shall be submitted for the further written approval of the Planning Authority. Any noise mitigation measures shall be implemented prior to the use being operational.**
- 06. For the duration of the development taking place, the developer shall display the sign or signs provided, or copies thereof. Such sign(s) shall be displayed in a prominent place or places at or in the immediate vicinity of the site, must be readily visible to the public and any copies must be printed on a sufficiently durable material to remain legible throughout the period of development. In the event of the sign(s) being lost, damaged or removed whilst the development is ongoing, they shall be replaced at the earliest time practical.**

07. During the period of construction, all works and ancillary operations which are audible at the site boundary, or at such other places that may be agreed by the Planning Authority shall be carried out between 8am and 6pm Mondays to Saturdays and not at all on Sundays or Public Holidays.
08. The gym shall only be open to the public between 7am and 9pm Monday to Friday, 7am to 2pm on Saturdays and shall not open at all on Sundays. Any alteration to these times shall first be approved by the Planning Authority in writing prior to the implementation of the new opening times.

**Elaine Melrose**  
**Executive Director of Housing, Environmental**  
**and Economic Development**  
**Date: 18 October 2011**

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**Appendix:** None

**Background Papers:**

1. Application forms and plans;
2. West Dunbartonshire Local Plan 2010.
3. Representation

**Wards affected:** Ward 6 (Clydebank Waterfront)