

PLANNING APPLICATION: 07/01478/FUL

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- The proposal is to erect a hydrotherapy pool as an extension to Forres Swimming Pool. The extension has a floor space of approx. 200m². The pool itself is 45m². There are two special needs WC/shower rooms. The external cladding is coloured render to match the existing building with aluminium profile roof sheeting.

The Site

- The site is located off Burdsyard Road. The extension will be sited to the front of the existing swimming pool between the bicycle rack area and the car park.

Policy / Objections-Representations / Consultations - See Appendix

History

There is no site history.

Advertisement

Advertised as a departure from the development plan.

Observations

The proposed hydrotherapy pool is a public facility that will be used by the residents of Moray and surrounding areas. It has been proposed that the overall ownership and management will rest with the Moray Hydrotherapy Pool Trust and an appointed Board, the day-to-day running, management, including the collection of session fees, and the maintenance of the facility will be undertaken by existing council staff on behalf of the Trust.

Determining issues:

Impact of the proposed Hydrotherapy Pool (L/IMP1, L/IMP3, L/T4 & L/T7).

The proposal is acceptable in terms of design. The proposal is of an appropriate size and form in relation to the existing buildings. There are however two matters of concern - noise and parking.

The Environmental Health Section considers noise to be a significant issue in this application. A Noise Impact Assessment was requested in July 2007 to measure and predict noise levels to

be generated by the proposed development, establish criteria for assessing the impact of noise on its surroundings, outline measures available to reduce noise impact to acceptable levels and confirm the times of operation of the boiler plant and if it will be subject to frost protection. A Noise Impact Assessment was not received therefore Environmental Health are recommending refusal due to insufficient information.

The site on which the hydrotherapy pool is to be located is currently a paved pedestrian area and car parking. The new pool is to measure 45m², which in terms of the Council's Parking Standard should be accompanied by the provision of an additional five spaces plus an allowance for increased staff levels. Due to where the pool is being sited, two (disabled) car parking spaces are actually being removed from the carpark. The Transportation Manager has recommend refusal on this basis.

The application is therefore recommended for refusal. Under the terms of the Circular 5/2007 notification procedures, the Council is now required to notify objectors if Committee are minded to approve the application.

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Signature (*Alan Short, Development Control Manager*)

R A STEWART
DIRECTOR OF ENVIRONMENTAL SERVICES

APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation.

Policy L/IMP1: Development in Built-up Areas

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

Guidelines on Character, Amenity and Design (L/IMP1)

a. Character

The character of an area is assessed by the;

- (i) main uses;
- (ii) appropriateness of a diversity of uses; and
- (iii) desirability of introducing a development which may detrimentally alter the existing balance of usage
- (iv) architectural style of the area.

b. Amenity

The amenity of an area is assessed in terms of both the people who will occupy the development site, and the adjoining occupiers. In short, new developments should be "good neighbours". Where there is an inherent incompatibility of neighbouring developments, or where remedial action cannot be made effective, applications are likely to be refused.

The important aspects of amenity which the Council considers are worth protecting are:-

- (i) **Privacy** - for both the occupants of a proposed development and surrounding neighbours. Loss of privacy can be minimised by re-orientation, reducing the densities of development reducing the size of buildings, and attention to building levels or by design modifications, for example, window proportion and size.
- (ii) **Traffic** - the introduction of increased traffic movement and resulting noise, can significantly detract from the amenities of an area.
- (iii) **General Disturbance** - protection from activities which create unreasonable levels of noise, smells and other discomforts including wheeled bin locations.
- (iv) **Sunlight/Daylight** - adequate levels of sunlight and daylight, and to a lesser extent, outlook, should be safeguarded for surrounding properties and afforded to new developments.

c. Design

Design of new development should not only relate to the type of development in the immediate vicinity but also to the wider issues of context and setting. This need not be restrictive to new or innovative architectural expression.

Applicants should, therefore, avoid design proposals which compromise the appearance of design characteristics of the surrounding area.

In considering the appropriateness of a design the Council will have regard to:

- (i) The scale of adjoining development.
- (ii) The materials, finishes and colours used in nearby development.
- (iii) Any features on or near the site worthy of reproduction, protection or enhancement, e.g. trees, hedges, views and other features of public importance.
- (iv) Principles of site sensitive design e.g. that pitched roofs are preferred to flat roofs, piended dormers to box dormers, vertical windows to horizontal picture windows etc., where these features predominate in an area.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform

- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP7: Drainage Impact

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies), L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

Policy L/H6: House Alterations and Extensions

House alterations and extensions will normally be approved provided that the appearance of the house and surrounding area is not adversely affected. Approval is, however, unlikely to be granted where the siting and scale of the extension significantly affects the amenity enjoyed by the occupants of adjoining property (and that will include considerations of sunlight, daylight and privacy) as specified in the Implementation Chapter. Pitched roofs will be preferred to flat roofs, pitched dormers to box dormers. Existing stone walls should, as far as possible, be retained. Guidelines on house extensions are to be produced separately. Special guidance is available for replacement windows in flats, and domestic satellite antennae.

OBJECTIONS-REPRESENTATIONS

Three letters of objections/representations of which one was an objection and two were representations.

- Mr and Mrs R Shaw, 39 Roysvale Place, Forres, Moray IV36 1PN
- F J Collins, Carrick Sanquhar Road, Forres, Moray IV36 0DG
- John and Elizabeth Maclaughlan, Cartef, Sanquhar Road, Forres, Moray IV36 1DG

Objections/Representations summarised as follows:

- **Parking and Road Safety**
Consideration needs to be given to local residents; heavy traffic is already experienced with the existing school. There is concern that there will be increased parking on Sanquhar Road due to the two disabled spaces being lost and possibly other spaces and there does not appear to be provision elsewhere. Users of the Hydrotherapy Pool will be using it for medical reasons therefore presumably they will not wish to walk far to the entrance, which may lead to more parking congestion.
Consideration needs to be given to the road junction that leads to Roysvale Place from Roysvale Park. There is an issue here with either visitors to the pool/gym or to the Academy, parking their vehicles along Burdsyard Road outside the pool including directly opposite the road junction. This narrows the road making it difficult to enter the access road. It could also prove inconvenient for any emergency service vehicles. Re-cycling vehicles also have difficulties manoeuvring when vehicles are parked alongside the pool entrance.
- Consideration needs to be given that functions are held at the pool which attract large numbers of visitors that arrive by bus and car. During these functions vehicles park along Burdsyard road and Sanquhar Road.
Although not a direct issue concerning the plans for the hydrotherapy pool, it should be taken into consideration that Burdsyard Road is a busy road when children are entering and leaving school and when the school is open in the evenings for parents nights etc.

- **Swimming Pool Boilers**

Consideration should be given to an unresolved issue with noise from the swimming pool boilers, which already run over night in cold weather.

Please note that two of the letters received did not object to the proposal but wanted to raise the above matters.

Agents Comments: It is disappointing that, having been informed by officials there was no noise issue, there has now been a late change of mind on their part. Likewise it is disappointing that the evidence of the Council's own officials regarding the underuse of the existing Swimming Pool car park is not being accepted.

Only one objection to the proposal on grounds of noise which asked for clarification on three fairly simple technical points and concerns regarding the noise levels from the existing swimming pool & fitness centre's plant.

Information from sports facilities officer states that two of the items of plant were silent in operation, that "no noticeable noise will be produced" from the main gas boiler and that the air handling unit would operate only during the opening hours of the facility.

That existing plant is old and more noisy than any modern replacements. Furthermore that plant has to handle a pool that is five times larger than the proposed hydrotherapy pool and it also serves a large complex of buildings including changing rooms, fitness centre, reception area, sauna, café/recreation area. Environmental Health have not been able to specify the grounds on which they consider a noise assessment should be required other than that one letter has raised the issue. An expert official has produced answers to the issue raised, that no one has faulted these answers and it is surely the task of Planning or Environmental Health officials to make a balanced judgement of any continuing need to have a formal noise assessment. It is our view that calling for a noise assessment is pedantic and quite out of proportion and a balanced judgement is not being made. We would respectfully submit that the Environmental Health view be reconsidered in the light of the foregoing.

The issue of car parking and the effect of traffic was discussed prior to the planning application being lodged. On the 12th December 2007 Transportation responded that they wished further information but did not specify what information was required until the recent letter.

Information provided by the Council's Manager of the Forres swimming Pool & Fitness Centre is that the existing car parking provision of 26 places is under-utilised, for most of time being not more than half full - say 10 under-utilised spaces. The only time that it is full is when there are children's swimming lessons, that are between 3:30pm and 5:00pm on some weekdays. Our best forecast about the increased use of the car park is that typically, groups of elderly people using the pool will arrive by public transport (which will not require any parking) or mini bus (which will require parking). Individuals are likely to be brought by drivers (as few can drive themselves). Local drivers are unlikely to wait but will call for their passengers later. Drivers from outwith the local area will require parking. There will be a number of users, younger persons say with less debilitating conditions that will come by car singly or in 2's or 3's and will need parking. There will be no staff increase requiring parking. Overall we would expect the need for up to three car parking spaces. There will be no need for any on-street parking and therefore no detrimental effect on road safety.

There is often significant parking on the road in front of the Forres Swimming Pool while the pool car park is only half full. Clearly the traffic parked on the road is not connected with the swimming pool otherwise it would use the adjoining pool car park. It is this other traffic with which the objectors are already concerned. Hydrotherapy pool traffic will use the under-utilised existing provision and not affect parking on the road.

The undercapacity of the existing car park has been evidenced by the Council's Principal Official and his staff on the site daily. This is a much more reliable basis of information than any isolated formal survey of usage that might be commissioned. We have demonstrated grounds for a relaxation from the Council's standard provision.

Comment: Please see observations section above. The application is considered to be contrary to L/T7 (Parking Standards) and potentially L/IMP1 (Development in Built-up Areas), therefore the application is recommended for refusal.

CONSULTATIONS

Transportation Manager, Direct Services - Recommends refusal.

Environmental Protection Manager, Direct Services - No objections.

Environmental Health Manager, Development Services - Recommends refusal.

Building Standards Manager, Development Services - Building Warrant required.

Contaminated Land, Development Services - No objections.

Scottish Water - No objections.