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Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100137124-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House
Last Name: *	Planning	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	kate@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both: \*

Other Title:

Building Name:

per Ferguson Planning, Shiel House

First Name: \*

Building Number:

54

Last Name: \*

Address 1  
(Street): \*

Island Street

Company/Organisation

JS Crawford Properties (Borders) Ltd

Address 2:

Telephone Number: \*

Town/City: \*

Galashiels

Extension Number:

Country: \*

Scotland

Mobile Number:

Postcode: \*

TD1 1NU

Fax Number:

Email Address: \*

kate@fergusonplanning.co.uk

## Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

634620

Easting

352827

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \* (Max 500 characters)

Change of use from Class 4 to include Class 11 (leisure) and Class 3 (cafe)

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see Supporting Statement to Notice of Review

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Supporting Statement to Notice of review, Planning application form, Officer's Report, Decision Notice, Planning Statement, Proposed elevations, Proposed site plan, Existing first floor plan, Existing ground floor plan, Existing site plan, Location plan, Proposed ground floor plan, Proposed first floor plan, Sections and Survey Results.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00635/FUL

What date was the application submitted to the planning authority? \*

22/05/2018

What date was the decision issued by the planning authority? \*

26/07/2018

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The proposals are largely internal in nature so building entry required.

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: . Ferguson Planning

Declaration Date: 14/09/2018





**APPEAL STATEMENT IN RELATION TO THE  
REFUSAL OF PLANNING PERMISSION FOR:**

**CHANGE OF USE FROM CLASS 4 TO INCLUDE  
CLASS 11 (LEISURE) AND CLASS 3 (CAFÉ)**

**UNIT 8, TWEEDSIDE PARK, TWEEDBANK**

**PLANNING APPLICATION REF: 18/00635/PPP**

**ON BEHALF OF: JS CRAWFORD PROPERTIES  
(BORDERS) LTD**

**14 SEPTEMBER 2018**



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## EXECUTIVE SUMMARY

This Appeal Statement is submitted on behalf of JS Crawford Properties (Borders) Ltd against the decision of Scottish Borders Council to refuse Planning Permission for the change of use of a small part (16%) of Unit 8, Tweedside Park, Tweedbank to Class 11 (leisure) use and Class 3 (café) use. The proposed leisure use is a children's soft play centre and a gym. The café would be wholly associated with these leisure facilities.

The application was refused on 26<sup>th</sup> July 2018 (application reference 18/00635/FUL).

The reason for the refusal was, in the Council's view, the proposed uses would not fall within the uses permitted in the Strategic Business and Industrial site. The Council consider that the uses would not contribute positively to the efficient functioning of the site. The Officer also considered that the proposed car parking could "potentially risk affecting adjacent trees which are important to the amenity value of the business park".

This Statement will demonstrate that a significant number of material considerations indicate that the application should be supported. These include:

- The vacant space has been actively and continually marketed since 2014 with no success for uses which comply with the Strategic Business and Industrial Site;
- The proposals are to be located in what is currently vacant space, some of which is sterilised by redundant heavy plant on the upper floor;
- The limited proportion of the unit that would be used by the proposed uses (only 16%);
- The existing two businesses (Ashwood and Renew Green Energy) would be unaffected;
- The proposal leads to job creation;
- There is a significant over-supply of business and industrial space in the Central Borders and the vacancy rate of units within Tweedbank is considerable;
- There are no alternative sites locally to site the proposed soft-play facility and no land, at all, is allocated for such facilities in the Borders;
- A survey, with over 330 respondents, has shown strong demand for the proposals.

The Local Review Body, having considered the detail contained within the refused Planning Application, together with the information set out herein, is respectfully requested to allow the Appeal to provide much-needed indoor leisure facilities in the Central Borders.



## 1.0 INTRODUCTION AND PROPOSAL

- 1.1 This Appeal, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Appellant, JS Crawford properties (Borders) Ltd., against the decision of the Planning Authority to refuse permission for a change of use of a small proportion of an existing industrial unit (Unit 8, Tweedside Park) to provide a gym and a children's soft-play area (Class 11) with associated café (Class 3).
- 1.2 It is estimated that 2 full time jobs and 6 part time jobs would be created by the proposal. A unit of considerable size with parking and good circulation is required to accommodate a soft play facility, hence the suitability of the unit.
- 1.3 The Appellant carried out an online survey in July 2018 to which approximately 330 individuals responded. The results show a clear and strong demand for the proposed facilities. The survey was issued with the application and is, again, provided with this Appeal.
- 1.4 Unit 8 Tweedside Park is a modern steel portal framed building located at the eastern gateway to Tweedbank and a short distance from Tweedbank Station. It was originally developed in approximately 1995 to house Barbour's clothing manufacturing premises. The unit was purchased by the Appellant in 2014. Since this time, it has been marketed by Edwin Thompson in an ongoing effort to secure full occupancy by Use Class 4 (business) tenants for the building. Despite ongoing marketing, **the units proposed for the soft play facility, gym and café remain vacant** or sterilised by redundant plant.
- 1.5 The gross internal area is approximately 3,943 sq.m, including 385 sqm at first floor level which is occupied (sterilised) by redundant plant formerly associated with the original Barbour factory. In total, **approximately 39% (1,391 sq.m) of ground floor space is unlet, despite active marketing efforts**. An area schedule, together with occupancy status is shown overleaf.
- 1.6 To the east of the site there is a relatively level area of ground within the allocated area providing scope for future expansion, yard area or ancillary uses. The proposals will not affect this space should other businesses seek to establish themselves on that site.



- 1.7 Key existing occupiers of the Unit are Ashwood (a food and drink microbiology and chemistry analysis laboratory) who have been in occupation since September 2016 and Renew Green Energy who advise, supply, install and maintain micro-generation renewable energy solutions and have been in occupation since January 2018. **The proposals will not affect the leases to these companies which will remain in occupation.**

Fig 1: Schedule of Floorspace in Unit 8

Unit	Gross Internal Area (approx.) (sqm)	Occupier/ Vacant
8	1,258	Ashwood UK Ltd
8A	525	Renew Green Energy Ltd
8B	169	Renew Green Energy Ltd
8C	73	Vacant
8D	231	Vacant
8E	288	Vacant
Void 1	515	Vacant
Void 2	284	Vacant
Plant Room & Void (Ground Floor)	95	Plant Room and Void
Communal and toilets	100	Communal and toilets
<b>Total Ground Floor</b>	<b>3,558</b>	
First Floor Plant Room	385	Sterilised by plant
<b>TOTAL UNIT SPACE</b>	<b>3,943</b>	



**Fig 2: Existing Car parking and south west elevation**



**Fig 3: South west elevation (1<sup>st</sup> floor glazed units proposed)**



**Fig 4: Redundant plant (location of proposed additional parking)**



- 1.8 The site is accessed off the Tweedside Park estate road via a tarmac surfaced road. There is a car park comprising approximately 44 spaces (including 5 accessible spaces). The lease to Ashwood includes a total of 21 spaces, that to Renew Green Energy 8 spaces. There are currently 17 spaces surplus.
- 1.9 The proposed soft play facility would include play equipment for toddlers, together with the café, both of which would be located at first floor level. A multi-storey soft play complex for older children would be positioned at ground floor level as shown on Proposed Floor Plans.
- 1.10 The café and toddlers' soft play area would be positioned over 385 sq.m of floorspace in a location where redundant plant, associated with the former Barbour factory, is continuing to sterilise otherwise useable floorspace and has done so since it was decommissioned. This part of the proposal does not, therefore, result in the loss of any employment space as it is replacing redundant plant.
- 1.11 The ground floor element of the soft play facility would occupy unit 8E (288 sq.m). This



represents only approximately **8%** of existing total ground floor space.

- 1.12 The proposed gym would occupy approximately 284 sqm of ground floor space within an area of the premises which is currently vacant. This represents approximately **8%** of existing Ground Floor space available. The operator of the soft play facility and the café would be the same operator as the gym.
- 1.13 Approximately 33 new parking spaces would be created on the south west elevation and a further c. 14 would be created on the south east elevation as shown on the Proposed Ground Floor Plan and Proposed Site Plan. c. 20 parking spaces would be available for the gym. c. 45 parking spaces would be available for the soft play business and associated cafe. These spaces would be for the sole use of these two businesses respectively. The other occupiers, Ashwood and Renew Green Energy have dedicated parking areas as set out within the leases.
- 1.14 In terms of external alterations, the redundant air conditioning plant within the grassed area to the south west of the unit would be removed and a larger area of parking (an additional 47 standard spaces and 2 accessible spaces) would be created as shown within the Proposed Site Plan and Proposed Ground Floor Plan. The Appellant would be happy to have a planning condition imposed requiring the production and submission of a Tree Survey in respect of adjacent trees.
- 1.15 On the south west elevation, the ventilation grilles, associated with the former Barbour factory plant, would be replaced by windows, as shown within the Proposed Elevations. A new door opening would be created to provide access to the soft play facility.
- 1.16 On the south eastern elevation, 2 new roller shutter doors and 2 new personnel doors are proposed. These will serve the proposed gym and a currently inaccessible void to the north east.
- 1.17 The application comprised the following drawings:
- Location Plan and Site Plan (Existing and Proposed)
  - Sections and Elevations (Existing and Proposed)
  - Ground Floor Plan (Existing and Proposed)
  - First Floor Plan (Existing and Proposed)



## 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND PLANNING POLICY CONTEXT

2.1 The planning application was refused on 26<sup>th</sup> July on the basis set out below.

*The proposed development will conflict with Policies PMD3 and ED1 of the Scottish Borders Council Local Development Plan 2016 and Supplementary Guidance – Central Borders Business park Tweedbank 2017, in that it would comprise uses which do not fall within the permitted uses for this Strategic Business and Industrial Site and which would not contribute to the efficient functioning of the allocated site or its future as a business park.*

*The proposed development conflicts with Policy EP13 of the Scottish Borders Council Local Development Plan 2016 and Supplementary Planning Guidance Trees and development 2008 in that it comprises car park alterations which will potentially risk adversely affecting adjacent trees which are important to the amenity value of the business park and the application does not demonstrate that the trees will be adequately protected during construction of the car park alterations.*

2.2 It is acknowledged that Unit 8 lies within an area allocated for Business and Industrial Uses within the Scottish Borders Local Development Plan and that the allocation primarily supports Class 4 (Business/ Light Industrial); Class 5 (General Industrial) and Class 6 (Storage or Distribution). There are, however, a significant number of material considerations which are considered to outweigh this and these are set out in section 3 – Grounds of Appeal.

### SCOTTISH PLANNING POLICY (SPP) 2014

2.3 Scottish Planning Policy (SPP) sets out the Scottish Government's planning policies in relation to economic development, requiring local authorities to allocate sites appropriate for the range of business sectors and business sizes in the LDP area. Allocations should therefore reflect **market demand** and location, size, quality and infrastructure requirements.

2.4 SPP sets out that **where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered.**

### Strategic Development Plan

- 2.5 The Strategic Development Plan Policy 2 requires Local Development Plans to provide a range and choice of accessible and marketable sites to meet anticipated requirements of businesses. Policy 2 also sets out the levels of employment land supply which LDPs should provide. Of a total 981 ha across the plan area, the **SDP requires that the Scottish Borders LDP provides 56 ha.**

### SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

- 2.6 The site lies within the Tweedside Business Park, which is designated as a strategic business and industrial site. The unit lies within allocation zEL59.

Fig 5: Extract from Local Development Plan -Tweedbank Settlement Profile



- 2.7 The following policies of the Local Development Plan should be taken into consideration in the determination of this application.
- Policy ED1 Protection of Business and Industrial Land
  - HD3 Protection of Residential Amenity

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**Policy ED1 Protection of Business and Industrial Land**

- 2.8 This policy sets out the Council’s aim of maintaining supply of business and industrial land allocations as set out in the LDP. Unit 8, Tweedside Park lies within the Strategic Business and Industrial Site “North of Tweedbank Drive” (zEL59). The policy sets out that development in Use Classes 4-6 on Strategic Business and Industrial Sites will be significantly favoured, although **uses other than 4-6 can be considered** if it is clearly demonstrated that they contribute to the efficient functioning of the site.
- 2.9 Development within business and industrial land allocations must respect the character and amenity of the surrounding area, be landscaped accordingly and be compatible with neighbouring business and industrial uses.

**Policy HD3 protection of Residential Amenity**

- 2.10 Development must not have an adverse impact upon the residential amenity of existing or proposed areas. The scale, form and type of development will be taken into account in terms of its fit with an area, as will any impact in terms of loss of privacy, overlooking or loss of sunlight. The visual impact of the proposed development will also be taken into account.

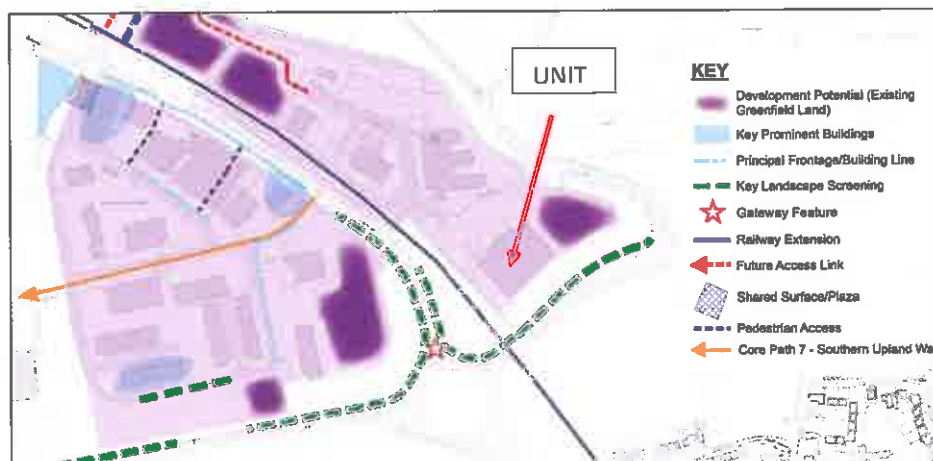
**Central Borders Business Park Supplementary Guidance**

- 2.11 The Council has prepared draft Supplementary Guidance and a Simplified Planning Zone (SPZ) Scheme for the Central Borders Business Park at Tweedbank.
- 2.12 The Central Borders Business Park incorporates Tweedbank Industrial Estate and Tweedside Park. These areas are located on the eastern edge of Tweedbank to the north of the A6091, bisected by Tweedbank Drive. The two areas are allocated for Business and Industrial Safeguarding.
- 2.13 Tweedside Park is well located in terms of roads and footway access and is well placed to capitalise on the Borders Railway and is at the Gateway to the Business and Industrial area. The site has a good internal road layout, is serviced and benefits from mature landscaping/ screening. Tweedbank Sports Complex is located adjacent to the south western boundary of the Tweedbank Industrial Estate.
- 2.14 The Guidance emphasises scope for the incorporation of a limited level of retail

provision at the 'Gateway' into the Central Borders Business Park to serve both visitors to the area and users of the Business Park.

- 2.15 The implementation of the SPZ Scheme is stated to offer flexibility to businesses, encouragement of investment and **rejuvenation of existing business and industrial sites**.
- 2.16 **The Guidance acknowledges that there are limited social amenities within Tweedbank currently.** There is a primary school, Gun Knowe Loch, a local shop, hairdressers, and bar/restaurant within the village centre but it is noted that these are located a distance from the Business Park. There is also a Community Centre and an all-weather sports complex which are detached from the other facilities.
- 2.17 The Guidance sets out 8 key principles of the vision for the Business Park, one of which is to focus initial development around the railway terminal and adjacent to the entrance to the Business Park in order to create a clear high-quality Gateway when accessing the Business Park from the railway terminal.

Fig 6: Development Vision for Central Borders Business Park



- 2.18 The Guidance sets out that Tweedbank is located within the Borders Strategic Green Network which supports economic growth, tourism, **recreation, the creation of an environment that promotes a healthier-living lifestyle,** and the protection and enhancement of biodiversity.

- 2.19 Under the SPZ Scheme there is **some increased flexibility to change the use of properties** and scope to build new premises and/or alter and extend existing buildings without the need for a planning application. Proposals must be compliant with certain development parameters and conditions.

**Fig 7: SPZS boundary**



- 2.20 Whilst Class 4 business uses are favoured in Tweedside Park, the SPZ Scheme states that it does not, however, seek to discourage the submission of formal planning applications for any other use under normal development management procedures which do not fall within the remit of the Scheme. It is stated that Scottish Borders Council ***“continues to welcome such submissions”***.



### 3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

- 3.1 The change of use of part of the unit (limited to 16% of floorspace) to a gym and soft play centre (Class 11) and associated cafe (Class 3), together with external alterations to the building and parking areas is deemed to be acceptable by the Appellant on the basis of the grounds set out below.

**GROUND 1:** There are a number of significant material considerations which outweigh the Local Development Plan and Supplementary Guidance presumption for Class 4-6 Business uses within Tweedside Park.

**GROUND 2:** Confirmation that there will be no material detrimental impact upon trees, which lie adjacent to the upgraded car parking proposals, can be dealt with by way of planning condition which to ensure the presentation to the Planning Authority of a BS5837 tree survey prepared by an Arboriculturalist.

**GROUND 1: THERE ARE A NUMBER OF SIGNIFICANT MATERIAL CONSIDERATIONS WHICH OUTWEIGH THE LOCAL DEVELOPMENT PLAN AND SUPPLEMENTARY GUIDANCE PRESUMPTION FOR CLASS 4-6 BUSINESS USES WITHIN TWEEDSIDE PARK.**

- 3.2 The Officer's Report notes that the proposed uses do not fall within the permitted use classes supported in Tweedbank but acknowledges that there are **material considerations which count in favour of the development to some extent**. These material considerations are set out under this first Ground of Appeal.

#### **Vacant and Sterilised Space**

- 3.3 The proposal before the Local Review Body seeks the change of use of part of the subject Unit to Class 11 and Class 3 uses, together with creation of additional parking and external alterations. The areas within which change of use is proposed **are currently vacant and the first-floor level is wholly sterilised from any use by redundant plant**. The changes of use are required to accommodate a gymnasium premises, a proposed children's soft play area and a café for use by customers of the soft play facility.
- 3.4 The gym would occupy a vacant unit on the ground floor, as would the soft play centre.



The latter would also occupy an upper floor unused plant area which would also house the café.

#### **Requirement and Demand for Gym and Soft Play Facility**

- 3.5 The Appellant submitted, as part of the application, a survey (with over 330 responses) which demonstrates the demand for a soft play facility in the local area. The survey results are, again, provided with this Appeal. The Officer, in his report, has acknowledged that ***“a soft play centre and gym may meet a need”*** and that such ***“may have the potential to benefit residents within Tweedbank”***. He was unable, however, to conclude that a “significant community benefit” would result that should override compliance with the LDP.”
- 3.6 The Appellant notes that the LDP makes no provision whatsoever for allocated leisure space in the Borders and there is, locally, no suitable facility to accommodate a soft play centre of the scale proposed. The Officer, in his Report, writes ***“It is accepted that this building would allow for a tall soft play facility, and such a facility may not be capable of being sited within many town centre buildings...”*** Consequently, the Borders loses some customers to other Council areas where large scale popular soft play facilities are located, which is unfortunate given the Officer’s comment that ***“the provision of a soft play facility would be welcome in the Central Borders”***.
- 3.7 The gym would be a different type of facility from that available at the Tweedbank Sports Complex. It would not use fixed equipment but, rather, would be focused on a core strength and conditioning program designed to optimise physical competence in 10 recognised fitness domains: cardiovascular and respiratory endurance, stamina, strength, flexibility, power, speed, coordination, agility, balance and accuracy. The methodology has proven successful with members of the public, sports persons, and military, law enforcement and fire & rescue personnel. The offering would be available for use by those who work at Tweedbank as well as other members of the public who wished to gain the health benefits which are readily achievable.
- 3.8 It is material to note that the Council’s **Economic Development Service supports the gym** element of the proposal for a number of reasons, including:
- It provides a facility for businesses and their employees;



- It is limited to only 8% of the building’s ground floor area;
- It involves job creation;
- It contributes to Health Improvement and wider SBC and NHS strategies.

**Requirement to Reflect Market Demand – SPP (2014)**

3.9 Scottish Planning Policy requires that industrial allocations should reflect **market demand** and the Strategic Development Plan (SESPLAN) requires that allocations should be marketable and meet the requirements of businesses. The subject areas have been **vacant or sterilised by redundant plant since the unit was purchased in 2014**, despite ongoing marketing efforts to secure tenants at ground floor level.

3.10 Indeed, the Officer’s Report states **“The building has been marketed since 2014 and continues to be. This is noted and the vacancy of the building is a strong material consideration...”** The Officer also acknowledges that the proposed change of use only applies to 16% of the building and the two existing businesses will be unaffected.

**Vacant Units at Tweedbank**

3.11 Further, within Tweedbank Industrial Estate and Tweedside Park, at the time of the submission of the planning application, there are a significant number of vacant units, as set out within the table below.

**Fig 8: Vacant Industrial Units in Tweedbank**

Address	Size (sq. ft)	Size (sq.m)	Details
<b>Tweedbank Industrial Estate</b>			
Block 10, Unit 1	3,737	347	To be refurbished
Block 10, Unit 3	3,737	347	To be refurbished
Block 1	14,817	1,376	To be refurbished
Block 12, Unit 4	2,494	232	Refurbished
Block 12, Unit 5	5,009	465	Refurbished
<b>Unit 8, Tweedside Park</b>			
Unit C	786	73	
Unit D	7,868	731	
Unit E	3,100	288	
Void	8,600	799	
<b>TOTAL known vacancies</b>	<b>50,138</b>	<b>4,658</b>	



**Over-Supply of Employment Land**

- 3.12 It is noted that the **SDP requires the Scottish Borders LDP to provide 56 ha of Employment Land**. As set out below, the supply of employment land, according to the most recent (2016) Employment Land Supply Audit within the Borders is **over 100 ha**. It is clear that there is significant **over-supply of employment land**, particularly in the Central Borders, given that the Audit notes that the **average annual uptake between 2012 -2016 inclusive was only 1.5ha**.
- 3.13 The most recent Employment Land Supply Audit, (March 2016), was reviewed at the time of submission of the application. This records the established employment land supply at 31 March 2016; the take-up of employment land between 1 April 2015 and 31 March 2016 and windfall employment development between 1 April 2015 and 31 March 2016.
- 3.14 The 2016 established employment land supply, as set out within the most recent **Scottish Borders Council Employment Land Audit (2016) is 110.1ha**, which is made up of 63 sites. The greatest employment land supply is within the **Central Borders (81.8ha)**. The tables overleaf provide information on (a) Employment Land Supply by Site Type and (b) Availability of Employment Land Supply.

**Fig 9: Employment Land Supply by Site Type**

Area	Local		District		Strategic		Strategic High Amenity	
	Ha	Sites	Ha	Sites	Ha	Sites	Ha	Sites
Berwickshire	0	0	16.2	13	8	3	0	0
Central	1.3	2	25.0	22	41.8	16	12.8	1
Northern	0	0	3.8	4	0	0	0	0
<b>Total</b>	<b>1.3</b>	<b>2</b>	<b>45.0</b>	<b>39</b>	<b>49.8</b>	<b>19</b>	<b>12.8</b>	<b>1</b>

\* Figures do not add to the overall supply as two mixed use sites are not classified by Site Type



**Fig 10: Availability of Employment Land Supply (ha)**

Area	Immediate	1-5 yrs	Beyond 5 yrs	Under Construction	Total
Berwickshire	20.3	1.6	2.7	0	24.6
Central	24.9	44.5	9.6	2.7	81.7
Northern	2.4	1.4	0	0	3.8
<b>Total</b>	<b>47.6</b>	<b>47.5</b>	<b>12.3</b>	<b>2.7</b>	<b>110.1</b>

3.15 The overall take-up of employment land between 1 April 2015 and 31 March 2016 was as low as 0.7ha, consisting of 3 separate employment sites. This compares to a take-up of 2.0ha in the previous audit period (2014-15). Over a 5 year period (2012 -2016 inclusive) around 7.6ha have been taken up, equivalent to an **annual take-up rate of 1.5 ha a year**. It would appear that there is a 67 year employment land supply based on that average 5 year uptake, or a 144 year supply based on the most recent annual audit uptake figure (2015-2016).

3.16 The Planning Authority does not appear to have addressed the facts presented by the Appellant on the over-supply of employment land and the over-supply of business space. The Appellant accepts the business-focussed vision for Tweedbank with the new railway, but it is believed to be unreasonable to ignore the facts surrounding the significant over-supply of 'employment land' and wasted vacant space, particularly when the appeal subjects have been vacant for over 4 years despite active marketing.

**Job Creation**

3.17 It must be acknowledged that the proposal is a business proposal, even although it does not fall within Use Class 4-6) which will be employment -generating, with an estimated **2 full time and 6 part time** jobs being created. Indeed, the Officer's Report states "***The employment value of the proposed development is a strong consideration...***" but not a strong enough consideration because that employment could be equally met by Class 4 business uses which are supported by policy. The comment unfortunately wholly ignores the fact that the vacant space (appeal subjects) has been actively marketed for over 4 years without securing a Class 4-6 tenant.





**Principle of Soft Play Facility within Business and Industrial Land**

- 3.18 A few other soft play centres are noted within Business and Industrial allocations within the Borders, although generally there is under-provision of such across the Borders. Mojo's Soft Play is located within Wheatlands Road (zEL42) which is a District Safeguarded Business and Industrial Site (where there is a preference to retain employment uses.)
- 3.19 Previously there was a soft play centre in Netherdale Industrial Estate (zEL40) which is also a District Safeguarded Business and Industrial Site The unit is now occupied by another Class 11 use, a gym (Trifitness).
- 3.20 Further, it is noted that there is a gym ('Muscle Factory') on Spylaw Road, Kelso (ZEL205 Spylaw Road/ Station Road. This is a local Safeguarded Business and Industrial Site.
- 3.21 The proposed Gym use would occupy approximately 284 sq.m (c. 8%) of ground floor space within the premises. The proposed soft play facility would utilise approximately 288 sq.m (c. 8%) of ground floor space, with the remainder of the proposal being located at first floor level over 385 sq.m. The entire area to be used by the proposal is either vacant or sterilised by decommissioned plant and has been since the unit was purchased in 2014.
- 3.22 The draft Supplementary Guidance specifically notes, in terms of 'constraints' that there are "*limited social amenities in Tweedbank*". This proposal would help to address this matter, a point acknowledged by the Planning Officer in his report. Further, Tweedbank is located within the Borders Strategic Green Network which supports economic growth and recreation.
- 3.23 Despite indications from the Planning Authority that there may be more suitable sites available in the local area, none have been put forward and the Appellant who, as a local developer, has an extremely strong knowledge of 'off market' and 'on market' development opportunities, is unable to identify a building within the central Borders which is suitable for a development of the scale proposed.



**Planning History**

- 3.24 A use **outwith Class 4** has been permitted within the entire subject unit in 2015. The current application only proposes the change of use over a small proportion (16% of ground floor space) of the unit. Educational Use (Class 10) was permitted in 2015 within the whole subject unit under permission 15/00668/FUL. The application sought change of use from industrial (manufacturing - Class 5) to education use (Class 10).
- 3.25 That proposal was approved despite it being contrary to policy ED1 – Protection of Business and Industrial Land. It was strongly supported by Economic Development. The building and the site were considered to be well suited. **Economic Development did not voice any concerns regarding the loss of the entire unit from industrial use as recently as 2015.**
- 3.26 In that case, the Planning Officer stated that an added consideration, indicating that proposal’s acceptability, was that the building had been **vacant since 2008** and had therefore not contributed positively to the employment land allocation for several years. The Officer stated that *“Ultimately, it is considered that the proposed use would fail the development plan, but that the lack of impact on the employment land allocation and the wider economic benefits... are an overriding consideration.”* Similarly, now, with regard to the appeal subjects, parts of the unit are vacant and have been since 2014 and have thus not contributed positively to the employment land allocation, despite active marketing. It is strongly asserted that the proposal would have no material impact upon the allocation at Tweedside Park.

**Amenity and Visual Impact**

- 3.27 In terms of policy **PMD3**, the proposal would not have an adverse impact upon residential amenity, a point agreed by the Planning Officer in his Report. There are no residential properties in close proximity to the Unit. Further, the Unit is well screened from the surrounding road network by existing mature woodland, as accepted by the Planning Officer. The appearance of the unit will, however, improve with the installation of windows in place of the first-floor level ventilation grilles and removal of redundant external plant.
- 3.28 The amenity (in terms of potential for noise) of the existing businesses could be controlled, if the Council deemed necessary, by condition relating to sound insulation/



noise control, as acknowledged by the Planning Officer.

**GROUND 2: CONFIRMATION OF NO MATERIAL DETRIMENTAL IMPACT UPON TREES WHICH LIE ADJACENT TO THE UPGRADED CAR PARKING PROPOSALS CAN BE DEALT WITH BY WAY OF PLANNING CONDITION WHICH ENSURES THE PRESENTATION OF A BS5837 TREE SURVEY PREPARED BY AN ARBORICULTURALIST TO THE PLANNING AUTHORITY.**

- 3.29 Sufficient additional parking spaces would be created as part of the proposal, with approximately 20 spaces available for the gym and 45 spaces available for the soft play facility and associated cafe. The other occupiers, Ashwood and Renew Green energy have allocated parking areas within their leases providing sufficient spaces. Roads Planning Service confirmed that the proposals relating to the proposed use, level of traffic and parking are acceptable, in principle.
- 3.30 The Appellant would be willing to provide a tree survey to BS5837 standard (Trees in relation to design, demolition and construction) in fulfilling an appropriately worded planning condition to ensure no detrimental impact on adjacent trees. To date, the Appellant provided information to the Planning Authority on parking layout, levels and sectional drawings in order to demonstrate lack of impact upon the surrounding woodland.



## 4.0 CONCLUSIONS

- 4.1 Ferguson Planning has been appointed by JS Crawford Properties (Borders) Ltd to submit this appeal regarding the proposed change of use of part of an existing industrial unit within Tweedside Park. The limited floor areas over which the changes of use are sought have been vacant since 2014 and the first floor area has been sterilised by redundant plant since the closure of the former Barbour factory.
- 4.2 The submitted Appeal, supported by this Statement, seeks the Planning Authority's decision to refuse Planning Permission for the change of use from Class 4 Use to Class 11 (Leisure) and Class 3 (café) to be overturned and consent be granted for the proposal for the gym, soft play facility and associated café.
- 4.3 There are a number of material considerations which indicate that the application can be supported despite the proposal being contrary to the normally permitted uses in Tweedside Park. These include:
- The proposal leads to job creation;
  - The vacant space has been actively and continually marketed since 2014 with no success for uses which comply with the employment land allocation;
  - Existing unit occupiers would be unaffected;
  - There is significant demand for the proposal;
  - The limited proportion of the unit that would be used by the proposed uses (only 16% of ground floor space);
  - The proposals would be located in vacant or sterilised space which does not contribute to the 'employment land allocation' at present;
  - There is a significant over-supply of business and industrial space in the Central Borders and the vacancy rate of units within Tweedbank is considerable;
  - There are no alternative sites locally to site the proposed soft-play facility and no land, at all, is allocated for such facilities in the Borders.
- 4.4 The proposal will create approximately 2 full time and 6 part time jobs and provide much needed indoor play facilities within the Borders, responding to current under provision.



- 4.5 The Employment Land Supply Audit is not up to date, but the most recent Audit (March 2016) shows that there is an oversupply of employment land in the Scottish Borders. SESPlan requires a total of 56 ha to be allocated, yet 101 ha has been allocated. Based on the 5 year uptake rate (2012 – 2016) there appears to be a 67 year supply of land.
- 4.6 Soft-play centres and gyms have previously been permitted within industrial allocations within the Borders, as noted herein.
- 4.7 The Appellant, despite an excellent knowledge of ‘off market’ and ‘on market’ development opportunities is not aware of any property within the Central Borders suitable for the proposed uses.
- 4.8 Education use was consented in 2015 for the entire unit. Economic Development did not raise any concerns about loss of industrial land supply.
- 4.9 There will no impact upon residential amenity, in compliance with policy **HD3**.
- 4.10 A BS 5837 Tree Survey can be provided at the next stage of the planning process, in response to a suitably worded condition, to confirm that no detrimental impact upon trees which surround the site would arise from the car park expansion proposals.
- 4.11 It is acknowledged that the unit is located within an area safeguarded for business and industrial use, but the Local Review Body is respectfully requested to allow the appeal given significant material considerations outlined herein and permit the change of use of a small proportion of the unit to a soft-play facility, café and gym.

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Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100109197-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Change of Use from Class 4 to include Class 11 (Leisure) and Class 3 (Cafe)

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House
Last Name: *	Planning	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	kate@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	per Ferguson Planning, Shiel House
First Name: *		Building Number:	54
Last Name: *		Address 1 (Street): *	Island Street
Company/Organisation	JS Crawford Properties (Borders) Ltd	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *	kate@fergusonplanning.co.uk		

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Site Area

Please state the site area:

Please state the measurement type used:  Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*  Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.



Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*  Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

45

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

92

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*  Yes  No

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*  Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*  Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Bins kept inside units. Paved area outside doors can accommodate bins temporarily on collection day.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 11 Assembly and Leisure

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

700

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Note that the proposed cafe is ancillary to the Class 11 use (Soft Play facility)

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): \*

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): \*

257

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Cafe is ancillary to the soft play facility - not for general public use

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*  Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ferguson Planning

On behalf of: JS Crawford Properties (Borders) Ltd

Date: 22/05/2018

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: . Ferguson Planning

Declaration Date: 22/05/2018

## Payment Details

Cheque: To be confirmed, 123456

Created: 22/05/2018 15:54



## PLANNING STATEMENT

**UNIT 8, TWEEDSIDE PARK, TWEEDBANK – CHANGE OF  
USE FROM CLASS 4 TO INCLUDE CLASS 11 (LEISURE) AND  
CLASS 3 (CAFÉ)**

**APPLICANT: JS CRAWFORD PROPERTIES (BORDERS) LTD**

**22 MAY 2018**

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- 1.0 Introduction
- 2.0 Site Context
- 3.0 Proposal
- 4.0 Planning Policy Context
- 5.0 Supporting Case for Proposal
- 6.0 Conclusions

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## 1.0 INTRODUCTION AND SITE CONTEXT

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicant, JS Crawford properties (Borders) Ltd., for a change of use of part of an existing industrial unit, Unit 8, within Tweedside Park, Tweedbank, creation of additional parking and external alterations. The proposed change of use is from Class 4 (vacant space) to form a gym and a children's soft-play area (Class 11) with associated café (Class 3).
- 1.2 Unit 8 Tweedside Park is a modern steel portal framed building located at the eastern gateway to Tweedbank and a short distance from Tweedbank Station. It was originally developed in approximately 1995 to house Barbour's clothing manufacturing premises. The complex comprises the eastern-most unit within Tweedside Park. The unit was purchased by the Applicant in 2014. Since this time, it has been marketed by Edwin Thompson in an ongoing effort to secure full occupancy by Use Class 4 tenants for the building. Despite ongoing marketing, there remain a number of empty units.
- 1.3 The building is 12 bays long by 8 bays deep, with eaves height of approximately 6.4m and ridge height of approximately 8.9 m. The gross internal area is approximately 3,943 sq.m, including 385 sqm at first floor level which is occupied (sterilised) by redundant plant formerly associated with the original Barbour factory. Approximately **39%** (1,391 sq.m) of ground floor space is unlet. An area schedule, together with occupancy status is shown overleaf.
- 1.4 Key occupiers of the Unit are Ashwood (a food and drink microbiology and chemistry analysis laboratory) who have been in occupation since September 2016 and Renew Green Energy who advise, supply, install and maintain micro-generation renewable energy solutions and have been in occupation since January 2018.

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**Fig 1: Schedule of Floorspace in Unit 8**

Unit	Gross Internal Area (approx.) (sqm)	Occupier/ Vacant
8	1,258	Ashwood UK Ltd
8A	525	Renew Green Energy Ltd
8B	169	Renew Green Energy Ltd
8C	73	Vacant
8D	231	Vacant
8E	288	Vacant
Void 1	515	Vacant
Void 2	284	Vacant
Plant Room & Void (Ground Floor)	95	Plant Room and Void
Communal and toilets	100	Communal and toilets
<b>Total Ground Floor</b>	<b>3,558</b>	
First Floor Plant Room	385	Sterilised by plant
<b>TOTAL UNIT SPACE</b>	<b>3,943</b>	

- 1.5 It is understood that other occupiers within Tweedside Park include the Scottish Government Pensions Agency, Stewart Technology, Gall Robertson Chartered Accountants, John Menzies Distribution and Radio Borders.
- 1.6 Unit 8 lies within an area allocated for Business and Industrial Uses within the Scottish Borders Local Development Plan. The allocation primarily supports Class 4 (Business/Light Industrial); Class 5 (General Industrial) and Class 6 (Storage or Distribution). To the east of the site there is a relatively level area of ground within the allocated area providing scope for future expansion, yard area or ancillary uses.
- 1.7 Photographs of the south west elevation are provided overleaf.

Fig 2: Existing Car parking and south west elevation



Fig 3: South west elevation (1<sup>st</sup> floor glazed units proposed)



Fig 4: Redundant plant (location of proposed additional parking)



Fig 5: Site Context





1.8 The site is accessed off the Tweedside Park estate road via a tarmac surfaced road. There is a car park comprising approximately 44 spaces (including 5 accessible spaces). The lease to Ashwood includes a total of 21 spaces, that to Renew Green Energy 8 spaces. There are currently 17 spaces surplus.

1.9 The application comprises a full set of architectural drawings:

- Location Plan
- Site Plan (Existing and Proposed)
- Elevations (Existing and Proposed)
- Ground Floor Plan (Existing and Proposed)
- First Floor Plan (Existing and Proposed)

1.10 The purpose of this Statement is to provide a good level of understanding of the proposal and the context within which it lies, before providing background to the proposal. A summary planning policies and guidance is then outlined, together with the supporting case for the proposal.

1.11 The remainder of the Planning Statement is structured as follows:

- **Section 2:** Site Context
- **Section 3:** The Proposal
- **Section 4:** Planning Policy Context
- **Section 5:** Supporting Case for the Proposal
- **Section 6:** Conclusions

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## 2.0 THE PROPOSAL

- 2.1 The proposal seeks the change of use of part of Unit 8, Tweedside Park to Class 11 and Class 3. The change of use is required to accommodate a gymnasium premises, a proposed children's soft play area and an associated café for use by customers of the soft play facility. A unit of considerable size with parking and good circulation is required to accommodate a soft play facility, hence the suitability of the unit.
- 2.2 It is estimated that 2 full time jobs and 6 part time jobs would be created by the proposal.
- 2.3 The proposed soft play facility would include play equipment for toddlers, together with the café, both of which would be located at first floor level. A 4 storey soft play complex for older children would be positioned at ground floor level as shown on Proposed Floor Plans.
- 2.4 The café and toddlers' soft play area would be positioned over 385 sq.m of floorspace in a location where redundant plant, associated with the former Barbour factory, is continuing to sterilise otherwise useable floorspace and has done so since it was decommissioned. This part of the proposal does not, therefore, result in the loss of any employment space as it is replacing redundant plant.
- 2.5 The ground floor element of the soft play facility would occupy unit 8E (288 sq.m). This represents only approximately 8% of existing total ground floor space.
- 2.6 The proposed gym would occupy approximately 284 sqm of ground floor space within an area of the premises which is currently vacant. This represents approximately 8% of existing Ground Floor space available. The operator of the soft play facility and the café would be the same operator as the gym.
- 2.7 33 new parking spaces would be created on the south west elevation and a further 14 would be created on the south east elevation as shown on the Proposed Ground Floor Plan and Proposed Site Plan. 20 parking spaces would be available for the gym. 45 parking spaces would be available for the soft play business and associated cafe. These spaces would be for the sole use of these two businesses respectively. The other

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occupiers, Ashwood and Renew Green Energy have dedicated parking areas as set out within the leases.

- 2.8 In terms of external alterations, the redundant air conditioning plant within the grassed area to the south west of the unit would be removed and a larger area of parking (an additional 47 standard spaces and 2 accessible spaces) would be created as shown within the Proposed Site Plan and Proposed Ground Floor Plan.
- 2.9 On the south west elevation, the ventilation grilles, associated with the former Barbour factory plant, at first floor level would be replaced by windows, as shown within the Proposed Elevations. A new door opening would be created to provide access to the soft play facility.
- 2.10 On the south eastern elevation, 2 new roller shutter doors and 2 new personnel doors are proposed. These will serve the proposed gym and a currently inaccessible void to the north east.

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**RTPI**

Chartered Town Planner



### 3.0 PLANNING POLICY CONTEXT

- 3.1 This section provides an overview of key planning policies relevant to the proposal. Scottish Planning Policy (SPP) sets out national planning policies and is a key material consideration in the determination of this application. The Development Plan is made up of the Strategic Development Plan for South East Scotland (SESPlan) and the Scottish Borders Local Development Plan (2016).

#### SCOTTISH PLANNING POLICY (SPP) 2014

- 3.2 Scottish Planning Policy (SPP) sets out the Scottish Government's planning policies in relation to economic development, requiring local authorities to allocate sites appropriate for the range of business sectors and business sizes in the LDP area. Allocations should therefore reflect market demand and location, size, quality and infrastructure requirements.
- 3.3 SPP sets out that where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.

#### Strategic Development Plan

- 3.4 The Strategic Development Plan Policy 2 requires Local Development Plans to provide a range and choice of accessible and marketable sites to meet anticipated requirements of businesses. Policy 2 also sets out the levels of employment land supply which LDPs should provide. Of a total 981 ha across the plan area, the **SDP requires that the Scottish Borders LDP provides 56 ha.**

#### SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

- 3.5 The site lies within the Tweedside Business Park, which is designated as a strategic business and industrial site. The unit lies within allocation zEL59 as shown overleaf.

**Fig 6:** Extract from Local Development Plan -Tweedbank Settlement Profile



3.6 The following policies of the Local Development Plan should be taken into consideration in the determination of this application.

- Policy ED1 Protection of Business and Industrial Land
- HD3 Protection of Residential Amenity

**Policy ED1 Protection of Business and Industrial Land**

3.7 This policy sets out the Council’s aim of maintaining supply of business and industrial land allocations as set out in the LDP. Unit 8, Tweedside Park lies within the Strategic Business and Industrial Site “North of Tweedbank Drive” (zEL59). The policy sets out that development in Use Classes 4-6 on Strategic Business and Industrial Sites will be significantly favoured, although uses other than 4-6 can be considered if it is clearly demonstrated that they contribute to the efficient functioning of the site.

3.8 Development within business and industrial land allocations must respect the character and amenity of the surrounding area, be landscaped accordingly and be compatible with neighbouring business and industrial uses.

**Policy HD3 protection of Residential Amenity**

3.9 Development must not have an adverse impact upon the residential amenity of existing





or proposed areas. The scale, form and type of development will be taken into account in terms of its fit with an area, as will any impact in terms of loss of privacy, overlooking or loss of sunlight. The visual impact of the proposed development will also be taken into account.

### Central Borders Business Park Supplementary Guidance

- 3.10 The Council has prepared draft Supplementary Guidance and a Simplified Planning Zone (SPZ) Scheme for the Central Borders Business Park at Tweedbank.
- 3.11 The Central Borders Business Park incorporates Tweedbank Industrial Estate and Tweedside Park. These areas are located on the eastern edge of Tweedbank to the north of the A6091, bisected by Tweedbank Drive. The two areas are allocated for Business and Industrial Safeguarding.
- 3.12 Tweedside Park is well located in terms of roads and footway access and is well placed to capitalise on the Borders Railway and is at the Gateway to the Business and Industrial area. The site has a good internal road layout, is serviced and benefits from mature landscaping/ screening. Tweedbank Sports Complex is located adjacent to the south western boundary of the Tweedbank Industrial Estate.
- 3.13 The Guidance emphasises scope for the incorporation of a limited level of retail provision at the 'Gateway' into the Central Borders Business Park to serve both visitors to the area and users of the Business Park.
- 3.14 The implementation of the SPZ Scheme is stated to offer flexibility to businesses, encouragement of investment and rejuvenation of existing business and industrial sites.
- 3.15 The Guidance acknowledges that there **are limited social amenities** within Tweedbank currently. There is a primary school, Gun Knowe Loch, a local shop, hairdressers, and bar/restaurant within the village centre but it is noted that these are located a distance from the Business Park. There is also a Community Centre and an all-weather sports complex which are detached from the other facilities.
- 3.16 The Guidance sets out 8 key principles of the vision for the Business Park, one of which is to focus initial development around the railway terminal and adjacent to the entrance

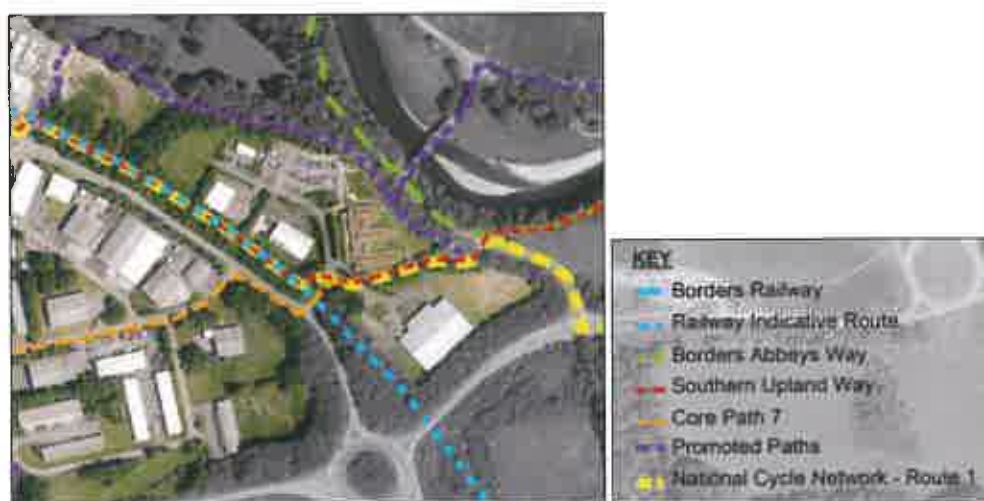
to the Business Park in order to create a clear high-quality Gateway when accessing the Business Park from the railway terminal.

**Fig 7: Development Vision for Central Borders Business Park**



3.17 The Guidance includes an overview of connectivity within Tweedbank, illustrated by an extract of the area in the vicinity of the subject unit.

**Fig 8: Connectivity within the Eastern Section of Tweedbank**



- 3.18 The Guidance sets out that Tweedbank is located within the Borders Strategic Green Network which supports economic growth, tourism, recreation, the creation of an environment that promotes a healthier-living lifestyle, and the protection and enhancement of biodiversity.
- 3.19 Under the SPZ Scheme there is some increased flexibility to change the use of properties and there is also scope to build new premises and/or alter and extend existing buildings without the need for a formal planning application. Proposals must, however, be compliant with certain development parameters and conditions as noted overleaf. The SPZ sets out the types of development and uses that are allowed by the Scheme and which developments still require to seek planning permission.

Fig 9: SPZS boundary



- 3.20 The SPZ has 5 zones, 'A' to 'E'. The subject site falls within zone B - a 'Core Business Zone', covering Tweedside Park. This zone is to remain focused towards business uses.

Fig 10: Zones within the SPZ



Fig 11: Uses/ Developments Permitted by the SPZ Scheme

ZONE	USES AND DEVELOPMENTS PERMITTED
A	<p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p> <p><b>Use Class 7</b>—Hotels &amp; Hostels (e.g. Hotel, boarding and guest house, hostel)</p>
B	<p><b>★ Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p>
C	<p><b>Use Class 1</b>—Shops (two units each with a maximum floor area of 70m<sup>2</sup>)</p> <p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p>
D	<p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p> <p><b>Use Class 5</b>—General Industry (use for the carrying out of an industrial process other than one falling within the Class 4 (Business) definition)</p> <p><b>Use Class 6</b>—Storage or Distribution</p>
E	<p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p>

- 3.21 The above table provides that under the Scheme, Class 4 uses will be permitted in Tweedside Park. Class 3 Food and Drink and Class 11 Assembly and Leisure uses are not permitted *by the Scheme* in any of the zones A to E in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
- 3.22 The SPZ Scheme states that it does not, however, seek to discourage the submission of formal planning applications for any other use under normal development management procedures which do not fall within the remit of the Scheme. It is stated that Scottish Borders Council “*continues to welcome such submissions*”.
- 3.23 In terms of car parking requirements, the SPZ Scheme provides that car parking shall be provided on the basis of ‘Non-car Accessibility Level D’ in the SEStran Parking Standards publication. Although these are maximum standards of provision, it is stated that they will generally be the expected level of provision, with the maximum provision numbers for Level C acting as the absolute minimum provision. The relevant tables are set out below.

**Fig 12: Parking standards for Assembly and Leisure Uses (Class 11)**

Type	Min/ Max	Accessibility					
		A	B	C	D	E	F
Cinemas/theatres/ concert halls/ conference facilities and other seated activities	Max	1 per 24 seats	1 per 15 seats	1 per 5 seats	1 per 5 seats	1 per 5 seats	1 per 5 seats
Dance halls/ function rooms/ social clubs etc.	Max	1 per 50m <sup>2</sup> GFA	1 per 35m <sup>2</sup> GFA	1 per 22m <sup>2</sup> GFA	1 per 22m <sup>2</sup> GFA	1 per 22m <sup>2</sup> GFA	1 per 22m <sup>2</sup> GFA
Sports facilities/ sports halls	Max	1 per 12 peak time users	1 per 6 peak time users	1 per 4 peak time users	1 per 2 peak time users	1 per 2 peak time users	1 per 2 peak time users
Swimming pools	Max	1 per 60m <sup>2</sup> of pool area	1 per 40m <sup>2</sup> of pool area	1 per 25m <sup>2</sup> of pool area	1 per 10m <sup>2</sup> of pool area	1 per 10m <sup>2</sup> of pool area	1 per 10m <sup>2</sup> of pool area
Golf courses	Max	1 per hole	1 per hole	2 per hole	3 per hole	3 per hole	3 per hole
Stadia	Max	1 per 60 seats	1 per 45 seats	1 per 15 seats	1 per 15 seats	1 per 15 seats	1 per 15 seats

**Notes:** Bus access and coach parking should also be considered where appropriate. Golf courses often incorporate clubs, bars or hotels and it will often be more appropriate to treat them as mixed developments.

**Fig 13: Parking standards for Business (Class 4), General Industrial (Class 5) and Storage/Distribution (Class 6)**

Type	Min/ max	Accessibility					
		A	B	C	D	E	F
Office/light industry/R & D	Max	1 per 500m <sup>2</sup>	1 per 120m <sup>2</sup>	1 per 40m <sup>2</sup>	1 per 35m <sup>2</sup>	1 per 30m <sup>2</sup>	1 per 30m <sup>2</sup>
General industry	Max	1 per 1000m <sup>2</sup>	1 per 240m <sup>2</sup>	1 per 80m <sup>2</sup>	1 per 70m <sup>2</sup>	1 per 60m <sup>2</sup>	1 per 60m <sup>2</sup>
Storage and distribution	Max	1 per 3000m <sup>2</sup>	1 per 720m <sup>2</sup>	1 per 240m <sup>2</sup>	1 per 210m <sup>2</sup>	1 per 180m <sup>2</sup>	1 per 180m <sup>2</sup>

Notes: Where developments are expected to have a high degree of shift working then the provision calculated is likely to be inadequate during shift changes and may result in a high degree of overspill parking. Under such circumstances an appropriate level of provision should be calculated using a parking accumulation analysis. Uses like call centres with a high density may also require a higher level of provision.

Bus, taxi and HGV access and parking should also be considered where appropriate.



## 4.0 PLANNING HISTORY

### Application 15/00668/FUL

- 4.1 Educational Use (Class 10) has been permitted within the subject unit. Application 15/00668/FUL sought change of use from industrial (manufacturing - Class 5) to education use (Class 10) and was permitted in 2015. The consent was, however, not implemented.
- 4.2 The proposal was approved despite it being contrary to policy ED1 – Protection of Business and Industrial Land. It was strongly supported by Economic Development. The building and the site were considered to be well suited to the particular type of education activity (engineering) proposed. **Economic Development did not voice any concerns regarding the loss of the entire unit from industrial use** - a point highlighted by the Planning Officer within the case report.
- 4.3 The Planning Officer stated that an added consideration, indicating the proposal's acceptability, was that (in 2015) the building had been **vacant since 2008** and had therefore not contributed positively to the employment land allocation for several years.
- 4.4 The Officer acknowledged that *"the position may change when the railway station opens but there is no guarantee that it will, and no indication from our ED service that this use should be resisted...Ultimately, it is considered that the proposed use would fail the development plan, but that the **lack of impact on the employment land allocation and the wider economic benefits... are an overriding consideration.**"*

### Application 16/00396/FUL

- 4.5 16/00396/FUL sought a series of external alterations to the subject unit. The intention was for the premises, which were then a single unit in Use Class 5 (general industry), to be subdivided into sixteen units to accommodate Class 4 uses, with provision also being made for some Class 6 uses. The Application was consented in 2016.



## 5.0 SUPPORTING CASE FOR PROPOSAL

5.1 The proposal seeks the change of use of part of the subject Unit to Class 11 and Class 3 uses, together with creation of additional parking and external alterations. The areas within which change of use is proposed are currently vacant (no Class 4-6 uses ongoing) and the first floor level is wholly sterilised from any use by redundant plant. The changes of use are required to accommodate a gymnasium premises, a proposed children's soft play area and a café for use by customers of the soft play facility.

5.2 This section will consider the proposal within the context of the following issues:

- Relevant planning policy;
- The availability of industrial space within Tweedbank Industrial Estate and within Unit 8, Tweedside Park;
- The Council's most recent Employment Land Audit (2016);
- Principle of soft play facilities within Business and Industrial Land;
- Planning History;
- Parking Provision;
- Residential Amenity.

### Planning Policy

5.3 It is accepted that **Policy ED1** Protection of Business and Industrial Land sets out the Council's aim of maintaining supply of business and industrial land allocations as identified within the LDP and that the subject Unit lies within a Strategic Business and Industrial Site where Use Classes 4-6 are supported. It is noted, however, that uses other than 4-6 can be considered if the proposal contributes to the efficient functioning of the site.

5.4 Further, Scottish Planning Policy requires that industrial allocations should reflect *market demand* and the Strategic Development Plan requires that allocations should be marketable and meet the requirements of businesses. The subject areas have been vacant or sterilised by redundant plant since the unit was purchased in 2014, despite ongoing marketing efforts to secure tenants at ground floor level.

5.5 As noted, the proposal will result in job creation with an estimated 2 full time and 6 part

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time jobs being created.

- 5.6 It is noted that the **SDP requires the Scottish Borders LDP to provide 56 ha of Employment Land**. As set out below, the supply of employment land, according to the most recent (2016) Employment Land Supply Audit within the Borders is over 100 ha.
- 5.7 It therefore appears that there is significant over-supply of employment land, particularly in the Central Borders, given that the Audit notes that the average annual uptake between 2012 -2016 inclusive was 1.5ha.

**Tweedbank – Vacant Units**

- 5.8 Further, within Tweedbank Industrial Estate and Tweedside Park, there are a significant number of vacant units, as set out within the table below.

**Fig 14: Vacant Industrial Units in Tweedbank**

Address	Size (sq. ft)	Size (sq.m)	Details
<b>Tweedbank Industrial Estate</b>			
Block 10, Unit 1	3,737	347	To be refurbished
Block 10, Unit 3	3,737	347	To be refurbished
Block 1	14,817	1,376	To be refurbished
Block 12, Unit 4	2,494	232	Refurbished
Block 12, Unit 5	5,009	465	Refurbished
<b>Unit 8, Tweedside Park</b>			
Unit C	786	73	
Unit D	7,868	731	
Unit E	3,100	288	
Void	8,600	799	
<b>TOTAL known vacancies</b>	<b>50,138</b>	<b>4,658</b>	

- 5.9 The over-supply of employment land and the extent of known vacancies within the Estate are considered to be material considerations in the assessment of the proposal for a change of use of part of Unit 8, Tweedside Park to uses outwith Classes 4-6.

**Employment Land Supply Audit (March 2016)**

- 5.10 The most recent Employment Land Supply Audit, (March 2016), has been reviewed. It is understood that the Council has not prepared an Audit for either March 2017 or



March 2018 and therefore there is no up to date record of employment land supply.

- 5.11 The wider context within which the current application is made is a material consideration, given the provisions of SPP (2014) and SESPlan policy 2, and the points raised below are considered to be worthy of note.
- 5.12 The Audit should be undertaken annually to monitor the changing pattern of business and industrial development activity within the Scottish Borders. The most recent Audit records the established employment land supply at 31 March 2016; the take-up of employment land between 1 April 2015 and 31 March 2016 and windfall employment development between 1 April 2015 and 31 March 2016.
- 5.13 The established employment land supply is the total area of business and industrial use sites (including safeguarded business and industrial land) which were undeveloped or under construction on 31 March 2016; and mixed use/ redevelopment sites with potential to be developed for business and industrial use which were undeveloped or under construction on 31 March 2016. It is noted that the Audit used LDP allocations as the basis for establishing the employment land supply.
- 5.14 The take-up of employment land is the total area of employment land supply which has been developed over the previous 12 months. Windfall employment developments are new business or industrial developments on sites which do not form part of the employment land supply (i.e. on land not allocated for business and industrial use).
- 5.15 **The 2016 established employment land supply, as set out within the most recent Scottish Borders Council Employment Land Audit (2016) is 110.1ha, which is made up of 63 sites. The greatest employment land supply is within the Central Borders (81.8ha) as shown in Fig. 13, below.**
- 5.16 The tables overleaf provide information on (a) Employment Land Supply by Site Type and (b) Availability of Employment Land Supply.

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**Fig 15: Employment Land Supply by Site Type**

Area	Local		District		Strategic		Strategic High Amenity	
	Ha	Sites	Ha	Sites	Ha	Sites	Ha	Sites
Berwickshire	0	0	16.2	13	8	3	0	0
Central	1.3	2	25.0	22	41.8	16	12.8	1
Northern	0	0	3.8	4	0	0	0	0
<b>Total</b>	<b>1.3</b>	<b>2</b>	<b>45.0</b>	<b>39</b>	<b>49.8</b>	<b>19</b>	<b>12.8</b>	<b>1</b>

\* Figures do not add to the overall supply as two mixed use sites are not classified by Site Type

**Fig 16: Availability of Employment Land Supply (ha)**

Area	Immediate	1-5 yrs	Beyond 5 yrs	Under Construction	Total
Berwickshire	20.3	1.6	2.7	0	24.6
Central	24.9	44.5	9.6	2.7	81.7
Northern	2.4	1.4	0	0	3.8
<b>Total</b>	<b>47.6</b>	<b>47.5</b>	<b>12.3</b>	<b>2.7</b>	<b>110.1</b>

5.17 There are 23 sites immediately available in total, which account for 47.6ha (43%) of the employment land supply. Several of these sites, (including Tweedbank) are strategic sites.

- Charlesfield (11.5ha);
- Gunsgreenhill, Eyemouth (6.3ha);
- Gunsgreen Industrial Estate, Eyemouth (0.6ha);
- Gunsgreen Industrial Estate, Eyemouth (1.2ha);
- Galalaw, Hawick (1.0ha);
- Pinnaclehill, Kelso (4.6ha);
- Tweedbank (1.5ha);
- Tweedbank (0.4ha).



- 5.18 The overall take-up of employment land between 1 April 2015 and 31 March 2016 was as low as 0.7ha, consisting of 3 separate employment sites. This compares to a take-up of 2.0ha in the previous audit period (2014-15). Over a 5 year period (2012 -2016 inclusive) around 7.6ha have been taken up, equivalent to an **annual take-up rate of 1.5 ha a year**. It would appear that there is a 67 year employment land supply based on that average 5 year uptake, or a 144 year supply based on the most recent annual audit uptake figure (2015-2016).

**Principle of Soft play Facility within Business and Industrial Land**

- 5.19 A few other soft play centres are noted within Business and Industrial allocations within the Borders, although generally there is under provision of such across the Borders. Mojo’s Soft Play is located within Wheatlands Road (zEL42) which is a District Safeguarded Business and Industrial Site (where there is a preference to retain employment uses.)
- 5.20 Previously there was a soft play centre in Netherdale Industrial Estate (zEL40) which is also a District Safeguarded Business and Industrial Site The unit is now occupied by another Class 11 use, a gym (Trifitness).
- 5.21 Further, it is noted that there is a gym (‘Muscle Factory’) on Spylaw Road, Kelso (ZEL205 Spylaw Road/ Station Road. This is a local Safeguarded Business and Industrial Site.
- 5.22 The proposed Gym use would occupy approximately 284 sq.m (c. 8%) of ground floor space within the premises. The proposed soft play facility would utilise approximately 288 sq.m (c. 8%) of ground floor space, with the remainder of the proposal being located at first floor level over 385 sq.m. The entire area to be used by the proposal is either vacant or sterilised by decommissioned plant and has been since the unit was purchased in 2014, despite active marketing to secure tenants.
- 5.23 The draft Supplementary Guidance specifically notes, in terms of ‘constraints’ that there are “limited social amenities in Tweedbank”. This proposal would help to address this matter. Further, Tweedbank is located within the Borders Strategic Green Network which supports economic growth and recreation.



### Planning History

- 5.24 It is noted that in terms of the 2015 application for change of use to Class 10 educational use, it was a key consideration was that the building had been vacant since 2008 and had thus not contributed positively to the employment land allocation for several years as a result. The space to be used for the gym, soft play facility and café under the current proposal has, likewise, been vacant for considerable time (over 3 years), despite ongoing active marketing of the space by Edwin Thompson since the time it was purchased by the Applicant in 2014.
- 5.25 In the case of the 2015 application for education use, the Planning Officer stated that the proposed use *would* conflict with the Local Plan but there was considered to be a **lack of impact on the employment value** of the overall allocation at Tweedside Park, which was one of the overriding material considerations.
- 5.26 It is asserted that the current proposal would have negligible impact upon the availability of business space within Tweedside Park and it is, again, noted that the space has been vacant for considerable time.

### Parking Provision

- 5.27 An additional 47 parking spaces would be created as part of the proposal, with 20 spaces available for the gym and 45 spaces available for the soft play facility and associated cafe. The other occupiers, Ashwood and Renew Green energy have access to 21 and 8 spaces respectively.

### Residential Amenity and Visual Impact

- 5.28 In terms of policy **PMD3**, the proposal would not have an adverse impact upon residential amenity. There are no residential properties in close proximity to the Unit. The Unit is well screened from the surrounding road network by existing mature woodland. The appearance of the unit will, however, improve with the installation of windows in place of the first floor level ventilation grilles and removal of redundant external plant.



## 6.0 CONCLUSIONS

- 6.1 Ferguson Planning has been appointed by JS Crawford Properties (Borders) Ltd to submit a planning application for the change of use of part of an existing industrial unit within Tweedside Park. The limited floor areas over which the changes of use are sought have been vacant since 2014 and the first floor area has been sterilised by redundant plant since the closure of the former Barbour factory.
- 6.2 The proposed gym will occupy only c.8% of ground floor space and the proposed soft play facility will also occupy c.8% of ground floor space. The proposed toddlers' soft play area and associated café would be located at first floor level. The limited loss of Class 4 business space within the c. 3,943 sq.m unit is not significant.
- 6.3 The proposal will create approximately 2 full time and 6 part time jobs and provide much needed indoor play facilities within the Borders, responding to current under provision.
- 6.4 A significant proportion of floorspace will remain in employment use with the two tenants in occupation taking up over 60% of the unit. (Approximately 40% is currently unlet). The unlet void area immediately adjacent to Ashwood is being retained in case of the company's future requirement given the expansion, over the past 10 years, of this successful business.
- 6.5 It has been highlighted that significant industrial unit vacancies exist within Tweedbank Industrial Estate.
- 6.6 The Employment Land Supply Audit is not up to date, but the most recent Audit (March 2016) shows that there is an oversupply of employment land in the Scottish Borders. SESPlan requires a total of 56 ha to be allocated, yet 101 ha has been allocated. Based on the 5 year uptake rate (2012 – 2016) there appears to be a 67 year supply of land.
- 6.7 Soft play centres and gyms have previously been permitted within industrial allocations within the Borders, as noted herein.



- 6.8 Education use was consented in 2015 for the entire unit. Economic Development did not raise any concerns about loss of industrial land supply. The unit had been vacant for some time when that application was assessed and the same position exists now, with a considerable level of vacancy having persisted since the unit was purchased in 2014.
- 6.9 There will no impact upon residential amenity, in compliance with policy HD3.
- 6.10 It is acknowledged that the unit is located within an area safeguarded for business and industrial use, but the Planning Authority is respectfully requested to approve the application given the relative small-scale nature of the proposals and the considerable number of material considerations outlined herein.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 18/00635/FUL**

**To : J S Crawford Properties (Borders) Ltd per Ferguson Planning 54 Island Street Galashiels  
Scottish Borders TD1 1NU**

With reference to your application validated on **28th May 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Change of Use from Class 4 to include Class 11 (Leisure) and Class 3 (Cafe)**

**At : Factory Plexus Facility Tweedside Park Tweedbank Galashiels TD1 3TE**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 26th July 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



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**Depute Chief Planning Officer**



**APPLICATION REFERENCE : 18/00635/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
TB/PP/CoU/001	Location Plan	Refused
TB/PP/CoU/002	Existing Layout	Refused
TB/PP/CoU/003 rev A	Site Plan	Refused
TB/PP/CoU/004 rev A	Elevations	Refused
TB/PP/CoU/005	Floor Plans	Refused
TB/PP/CoU/006	Floor Plans	Refused
TB/PP/CoU/007	Floor Plans	Refused
TB/PP/CoU/008	Floor Plans	Refused
TB/PP/CoU/009	Sections	Refused

**REASON FOR REFUSAL**

- 1 The proposed development will conflict with Policies PMD3 and ED1 of the Scottish Borders Council Local Development Plan 2016 and Supplementary Guidance - Central Borders Business Park Tweedbank 2017, in that it would comprise uses which do not fall within the permitted uses for this Strategic Business and Industrial Site and which would not contribute positively to the efficient functioning of the allocated site or its future as a business park
  
- 2 The proposed development conflicts with Policy EP13 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance Trees and Development 2008 in that it comprises car park alterations which potentially risk adversely affecting adjacent trees which are important to the amenity value of the business park and the application does not demonstrate that the trees will be adequately protected during construction of the car park alterations

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/00635/FUL

**APPLICANT :** J S Crawford Properties (Borders) Ltd

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Change of Use from Class 4 to include Class 11 (Leisure) and Class 3  
(Cafe)

**LOCATION:** Factory Plexus Facility  
Tweedside Park  
Tweedbank  
Galashiels  
Scottish Borders  
TD1 3TE

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
TB/PP/CoU/001	Location Plan	Refused
TB/PP/CoU/002	Existing Layout	Refused
TB/PP/CoU/003 rev A	Site Plan	Refused
TB/PP/CoU/004 rev A	Elevations	Refused
TB/PP/CoU/005	Floor Plans	Refused
TB/PP/CoU/006	Floor Plans	Refused
TB/PP/CoU/007	Floor Plans	Refused
TB/PP/CoU/008	Floor Plans	Refused
TB/PP/CoU/009	Sections	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**Consultations**

Roads Planning Service: Whilst having no significant impact on my comments, the RPS highlight several discrepancies in the submitted information regarding parking. With regards the proposal itself, they have no major concerns. The site has been operating the existing businesses and gym for some time now without any adverse impact on the existing road network. The proposed parking levels meet the requirements of the SEStran Parking Standards and should accommodate the full proposed use of the facility. Their only comments would relate to the existing trees and the proposed car parking. The proposed layouts appears to be under the canopy of the existing trees and given the extent of excavation which will be required to provide the parking, it may be advisable to seek confirmation as to whether the impact this excavation may have on the trees is acceptable. With regards the parking, details should be provided to confirm the construction details and also the drainage. A condition is recommended regarding details of drainage, lighting and construction of the parking.

In response to revised proposals and further level information, the RPS confirms that the amended details are acceptable, though details of construction and drainage are still required, which should be sought before works commence and completed before the facility is operational. These are to ensure that the parking area is fit for purpose.

Community Council: No comments

Economic Development Service: Economic Development are very reluctant to lose Planning Class 4,5 & 6 business space and do not support this change of use on a Strategic Employment Site near the terminus of Borders Railway. The importance of this Strategic Employment Site is backed up by the SPZ to promote business growth and inward investment at Tweedbank, and the new Tweedbank Masterplan which will be delivered through public and private sector funding as part of the Edinburgh and South East Scotland City Region Deal. They view the provision of ancillary services such as a gym as helpful additions for some industrial areas. The Local Development Plan, Policy ED1, clause b) states 'Uses other than Class 4,5 or 6 can be considered if clearly demonstrated as contributing to the efficient functioning of the allocated site.'

They therefore support the application for the gym:

- o The gym, like the previous Education use and unlike the soft play with cafe proposal, provides a facility for businesses and their employees
- o It uses an existing building
- o According to the applicant the impact of the gym is limited to only 8% of the building's business space no longer being available for Class 4,5 & 6 use
- o Jobs will be created
- o It contributes to Health Improvement and wider SBC & NHS strategies

Forward Planning: This proposal is contrary to Policy ED1 which seeks to protect this strategic high amenity safeguarded business and industrial site for Class 4 uses only. The Council recently adopted Supplementary Guidance and a Simplified Planning Zone for the Central Borders Business Park at Tweedbank in view of the Borders Railway Blueprint which states that the area will be developed to respond to, and capitalise on, opportunities brought by the Borders Railway with the provision of new high quality office accommodation, suites and facilities. To support this proposal at an early stage of the aforesaid SG/SPZ would set an undesirable precedent and would undermine the Council's strong position on business development at this location. Overall, it is recommended that this application is refused.

Environmental Health Service: Recommend conditions on a ventilation and odour control scheme for the catering, and on noise. An informative is also recommended regarding the ventilation scheme, and on registering the property as a food premises.

Transport Scotland: Do not advise against

Archaeology Officer: There are no known archaeological implications for this proposal. While the site is within the boundary for the designated Battle of Darnick, he does not believe the proposals will affect either buried evidence or the setting of the battle.

Historic Environment Scotland: The development has the potential to affect the Battle of Darnick battlefield designation, but they have considered the application and have no comments to make.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2, PMD3, ED1, HD3, EP8, EP13, IS7, IS9

Supplementary Guidance

Waste Management 2015: Trees and Development 2008; Central Borders Business Park Tweedbank 2017

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 25th July 2018

#### Site and application description

This application relates to a building and site located at the south-easterly end of Tweedside Park. It comprises a single industrial building, formerly used as a clothing manufacturing unit, and now partially occupied by two businesses (a food microbiology business and renewable energy supplier). The building is accessed from Tweedside Park via its own roadway and parking areas, and is set within large grounds, contained by well-established woodland planting.

The application seeks consent to use part of the building as a gym and soft play centre (Class 11 of the Use Classes Scotland Order 1997), and includes external alterations to the building, and extensions to the existing parking areas, principally along the south-westerly side of the building. The gym would occupy a vacant unit on the ground floor, as would the soft play centre. The latter would also occupy an upper floor unused plant area, and where a café (Class 3) is proposed. It is understood that the gym is already operating without Planning Permission.

#### History

Of some relevance to this application is a consent granted in July 2015 for educational use under 15/00668/FUL. This consent was not, however, implemented.

#### Principle

The site is allocated as a 'strategic high amenity safeguarded business and industrial site' according to Policy ED1 of the Local Development Plan 2016. Policy ED1 distinguishes between 'strategic high amenity sites' and 'strategic business and industrial sites'. According to Table 1 which the policy refers to, the allocation is, in fact, a 'strategic business and industrial site'. On that basis, development on it requires to satisfy the following policy requirement:

(b) "Development for uses other than Classes 4, 5 and 6 on strategic business and industrial sites in the locations identified in Table 1 will generally be refused. Uses other than Classes 4, 5 or 6 can be considered if clearly demonstrated as contributing to the efficient functioning of the allocated site".

The proposed uses do not fall within Class 4, 5 or 6. They, therefore, conflict with the first requirement. Our Forward Planning and Economic Development Services both voice concern regarding the principle of permitting these uses in the allocated site. As regards the second requirement of the policy, a soft play centre will not contribute to the efficient functioning of the allocated site. However, as the ED service suggests, a gym has the potential to contribute to the efficient functioning of the estate by providing a service that could be beneficial to businesses and their staff, thereby potentially helping to attract businesses to the estate. The potential for the development to do so is considered further in this assessment.

The Council's Central Borders Business Park Tweedbank SG further confirms the Council's policy position as regards the estate. Its 'Development Vision' is to develop a high quality business and industrial development that is a flagship development for the Central Borders. The Development Vision should, amongst other matters, take advantage of the new investment of the railway, create a setting that will encourage investment and benefit Tweedbank as a whole as well as the individual land uses.

A soft play centre may have the potential to benefit residents within Tweedbank as a whole but, as regards the key purpose of the SG's vision, it will not contribute to the Council's aspiration to develop a high quality business park that takes advantage of the railway. A gym will also not serve this aspiration directly but, as noted above, its particular contribution may potentially, at least, be complementary to the business park (explored further below, as noted).

The SG also includes a Simplified Planning Zone which is designed to facilitate investment by businesses. However, none of the uses proposed here comply with the SPZ. This site is identified for Class 4 only.

The applicants have, however, drawn attention to other considerations that should be accounted for and matters which are most pertinent are considered below:

o The SG notes there are limited social amenities in Tweedbank, though there is an all-weather sports complex which is detached from other facilities. The applicants contend that a soft play centre is needed in the area, and have submitted the results of a survey which purports to support this. There may be a need for a soft play centre, however, there is no policy requirement within the LDP to achieve its provision. Nor is this perceived need a justifiable departure from removing business floorspace within this strategic safeguarded site.

o A gym could provide a complementary facility, as our ED service note. The applicants contend that this will offer a different service to the gym which already exists within a reasonable walking distance at the Tweedbank Sports Complex since it will provide a different type of service by not using fixed equipment. This may be the case now, but approval of this application could not reasonably restrict the type of facilities offered in the future, nor is there any control over the sports complex gym offering the same. While the gym may provide a complementary use, the fact one exists already (albeit currently offering a different type of facility) does count against the value of this consideration.

o The soft play and gym will each only occupy 8% of the building, and the soft play will include first floor accommodation which has not been used for business purposes, but was used by now-redundant plant. This does limit the effect of the development, but it amounts to 16% of lost business floorspace, and comprises two units that could be made available to businesses that would require this type of location

o The applicants advised that they have undertaken a search of sites and found this site to be the most suitable. It is accepted that this building would allow for a tall soft play facility, and such a facility may not be capable of being sited within many town centre buildings. However, quite apart from the fact that the applicant's search has not been illustrated and examined, there is no policy requirement within the LDP to require that a site be found for this type of facility at the expense of safeguarded business space.

o It is contended that there is an oversupply of business floorspace and there are vacant units within the estate. However, the Council's SG represents the most recent adopted policy position as regards the estate, and the SPZ is in its very early stages. As the Forward Planning Service note, it would be premature to conclude that business floorspace is no longer required until the vision of the SG has been given time to establish and, indeed, to do so at this stage would be to firmly contradict that vision.

o The building has a previous consent for an educational use. However, that consent was limited to an engineering teaching facility. That would, effectively, provide an educational base for a Class 5 use, increasing the pool of local skills. Its siting within the estate was considered appropriate as a result. This current proposal for a gym, soft play and associated café is considerably different to the approved education use and does not offer comparable facilities.

o The building has been marketed since 2014 and continues to be. This is noted, and the vacancy of the building is a strong material consideration. However, there are two businesses within it, and the business park is in a state of transition, as it adapts to the introduction of the railway and, in time, it is expected that investment in the estate will increase its potential value to businesses. It is not considered that the current vacancy of part of the building is sufficient in itself to justify a clear departure from policy.

o Two full time and six part time jobs could be created. This is also accepted. However, Class 4-6 uses will also provide jobs. The employment value of the proposed development is a strong consideration, therefore, but it is not one which would not be realised if the building was used for purposes compliant with policy.

o Soft play and gym facilities are located on other industrial estates. This is accepted, but the examples quoted by the applicants are not directly comparable in terms of policy or site considerations. This proposal seeks consent to use a 'strategic' site, the highest level of safeguarding offered to business units in the Borders. Departure from this safeguarding requires considerable justification, and this is not the case here.

Policy PMD3 also requires that developments comply with land use allocations unless they are ancillary to a compliant use; there is a constraint on the site affecting the prospect of compliant development; or, the use

brings with it overriding significant community benefits. In this case, none of the exemptions apply. While it is accepted that a soft play centre and gym may meet a need, it is not a significant community benefit that should override compliance with the LDP.

Ultimately, the considerations that support the development are acknowledged, and the provision of a soft play facility and gym would be welcome within the Central Borders. However, the Council's adopted policy position precludes these uses on this site, and its most recent expression of policy (in the SG) confirms its desire to facilitate the development of business activity within the estate. This is a strategic site - this is the most important type of business site allocated by the LDP and its use for other purposes requires considerable justification. It is not considered that this applies in this case. The conflict with Policies ED1 and PMD3 and our SG is overriding and other material considerations do not justify a departure from policy.

#### Neighbouring amenity

There would be no risk to residential amenity as a result of the development, as there are no nearby residential uses. However, of concern would be the potential effect on other businesses within the building as a result of noise associated with the gym and soft play area, principally amplified music. Policy ED1 requires that developments be compatible with neighbouring business and industrial uses.

Certainly, on my visit, the gym appeared to be in operation and there was a very high volume of music associated with the use. Though a condition could require noise control measures, it would be prudent to assess the building now for its potential to accommodate noise from amplified music and speech, in a manner which does not undermine the amenity of other businesses within the building. The applicants have advised that they do not wish to provide information on this point. If consent were granted, therefore, a condition would be recommended, in order to ensure amplified music and speech is controlled in a way which does not unreasonably disturb the operations of other Class 4-6 businesses within the same building. Leaving this completely to a condition is possible though not ideal, as it leaves the risk with the applicants that such a condition may limit volumes to below their requirements.

The EHS have recommended a condition controlling noise levels from plant and machinery but, given the established nature of the manufacturing outlet and the location, this would seem unnecessary. If noise from plant or machinery is such that a nuisance arises, then that can be addressed separately.

#### Services

It is understood that mains water and drainage services are already in place. As regards surface water drainage, the proposals are not specific as regarding means of surface water disposal. Though porous plastic paving surfacing is referred to by the applicant's agent, this presumably relates to spaces that may affect trees. Though surface water disposal should be easily addressed, clarification on a SUDs based scheme is required, and should be sought by condition.

#### Parking and access

The Roads Planning Service and Transport Scotland are not concerned with the proposed use and level of traffic. The proposal includes 11 additional spaces to the front, and what appear to be 45 additional spaces to the side and rear of the building. These are identified on the plans inconsistently, but the applicant advises that the site plan illustrates the arrangement that should be considered. During the processing of the application, the proposals were subject to amendments and additional information, demonstrating levels, including sections. In response, the RPS confirms these are acceptable, subject to construction details and drainage being agreed. These could be addressed by condition, if consent were granted. Lighting proposals have not been submitted and are not, therefore, a consideration.

#### Archaeology

The site is within the Battle of Darnick Battlefield designation, though neither Historic Environment Scotland nor our archaeology officer raise concerns

#### Waste

Both uses will generate waste, though so would a lawful use of the site. The application form states that bins would be kept inside the units, and space used outside for collection points. Given the space available for the building, and the type of uses (not being substantial waste generators), there appears little risk that bin storage cannot be achieved in a visually acceptable manner without affecting parking areas.

#### Visual impacts

Policy ED1 requires that developments respect the character and amenity of the surrounding area and be landscaped accordingly. Works proposed here include alterations to the building and car parking areas, and they are not authorised under the SPZ because of the uses proposed.

#### Visual impacts - parking alterations

The site is well contained, and the proposals for parking to the front, side and rear of the building will not have a material impact beyond the site. Level information shows retaining walls are required towards the rear of the building but these are low level and well tucked away from view. The information on levels is not comprehensive, but the visual impact of these proposals is acceptable nonetheless. Plastic paving is proposed for the parking spaces, though it is unclear if this applies to all spaces or just those affecting tree roots. A surfacing scheme should be sought by condition.

The site is contained by woodland, though the trees are not subject to Tree Preservation Order. This existing resource is important to the overall amenity of the business park. Policy EP13 seeks to protect trees of value, not just those subject to TPO. It requires that developments that could cause loss of or serious damage to the woodland resource be refused unless public benefits outweigh the loss. Decision making should be guided by, amongst other sources, reference to BS5837:12.

Because of the proximity of the parking proposals to the trees along the south-west and south-east sides and requirement to adjust levels, the applicant was asked to submit an arboricultural assessment that identifies the risks and means of safeguarding the trees. This would allow this service (in liaison with our landscape service), to establish whether trees of value can be adequately safeguarded. The applicants have, in response, submitted level and sectional information which supports their contention that trees will not be adversely affected. Parking spaces are to have a geotextile membrane surfacing. Also, the proposed approach to the level changes is such that there is less disturbance alongside trees than might have been with a fully levelled proposal.

However, this information does not amount to an arboricultural assessment which should include accurate tree survey information, and identification of root protection areas. Our SPG Trees and Development requires that applications for development of land close to trees should include detailed tree surveys including an impact assessment. The applicant has advised that further information will not be submitted. As it stands, therefore, it is not possible to conclude that the woodland resource will not be undermined by these proposals as a result of potential root damage, and Policy EP13 cannot be confirmed as having being addressed. It would not be appropriate to reserve this matter for condition, since tree protection requirements may possibly affect the layout, number and/or specifications for the parking area proposals. There is already inconsistency between sections and plan as regards size of parking spaces (varying between 5m and 5.5m), so clarity on the risk to trees is all the more important.

#### Visual impacts - building alterations

These are limited to vents converted to windows and a door installation on the south-west side, and two pedestrian doors and two roller shutters on the south-east side. These will not have any visual consequences of note outside the site given the building's lack of visibility and, though there appear to be some inconsistencies between drawings and the building on site, they do not have implications for this assessment.

#### Air quality

The use includes a café, so a ventilation and odour control scheme would be required, as recommended by the Environmental Health Service. However, given the location of the building, this should not prove difficult as regards protecting residential amenity and a condition can require this.

## Conclusion

This application proposes the provision of a soft play centre with associated café, and a gym, within a building located within a strategic business park safeguarded for uses falling within Classes 4-6 of the Use Classes (Scotland) Order 1997. The proposed uses do not fall within the permitted classes and, though there are material considerations which count in favour of the development to some extent, these are not sufficient to override the conflict with Policy ED1. The proposal would also undermine the Council's aspirations to develop a high quality business park at this location, as identified within Supplementary Guidance - Central Borders Business Park Tweedbank 2017. The proposal would also not comply with Policy PMD3.

Furthermore, the applicant has not demonstrated that associated parking proposals will adequately account for trees adjacent the site which are of public amenity value and, therefore, it has not been possible to establish that Policy EP13 can be satisfied. This also conflicts with our SPG on Trees and Development.

## REASON FOR DECISION :

The proposed development will conflict with Policies PMD3 and ED1 of the Scottish Borders Council Local Development Plan 2016 and Supplementary Guidance - Central Borders Business Park Tweedbank 2017, in that it would comprise uses which do not fall within the permitted uses for this Strategic Business and Industrial Site and which would not contribute positively to the efficient functioning of the allocated site or its future as a business park

The proposed development conflicts with Policy EP13 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance Trees and Development 2008 in that it comprises car park alterations which potentially risk adversely affecting adjacent trees which are important to the amenity value of the business park and the application does not demonstrate that the trees will be adequately protected during construction of the car park alterations

## Recommendation: Refused

- 1 The proposed development will conflict with Policies PMD3 and ED1 of the Scottish Borders Council Local Development Plan 2016 and Supplementary Guidance - Central Borders Business Park Tweedbank 2017, in that it would comprise uses which do not fall within the permitted uses for this Strategic Business and Industrial Site and which would not contribute positively to the efficient functioning of the allocated site or its future as a business park
- 2 The proposed development conflicts with Policy EP13 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance Trees and Development 2008 in that it comprises car park alterations which potentially risk adversely affecting adjacent trees which are important to the amenity value of the business park and the application does not demonstrate that the trees will be adequately protected during construction of the car park alterations

**"Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling".**