

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01020/FUL

APPLICANT : Mr Daniel Cowe

AGENT : Edwin Thompson & Co (Berwick)

DEVELOPMENT : Change of use from Class 5 (general industry) to Class 11 (gymnasium)

LOCATION: Unit 2 Wheatlands Mill
Wheatlands Road
Galashiels
Scottish Borders
TD1 2HQ

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
BC5203-001	Location Plan	Approved

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultations

Roads Planning Service: Have no objection in principle. Their only issue relates to the parking provision. When considered as Level C in the SEStrans Parking Standards, such a development would require 1 space per 4 peak time users. The 8 spaces could therefore cater for 32 users. The supporting information does not indicate how many users they hope to have. As such, the RPS is unable to confirm if the parking is appropriate. That said, given the location within the industrial estate and the fact that Wheatlands Road has no parking restrictions in place, they do not object.

Environmental Health Service: Regarding noise, although the activities within the gym may generate some noise from, for example, amplified music, the risk of noise impact on residential properties is low considering that the nearest residential properties are some distance from the site. There appears to be a possible historic use of the land as a woollen mill within the vicinity of this application. This land use is potentially contaminative. However, the requirement for a full site assessment may not be practical or proportionate. An informative note is recommended.

Flood Protection Officer: The site is potentially at risk in a 1:200 year event. However, as the development will continue use of the building as a business facility, he has no objections. Recommends signing up to Floodline, an evacuation plan, and refers to flood protection products.

Economic Development Service: This location has a mix of different business uses, in addition to classes 4-6. The location is remote enough from residential properties that 24 hour operation would cause no disturbance and there is some parking on site. They have no objections.

Forward Planning Service: The proposal is located within a site allocated for Business and Industrial Safeguarding under Policy ED1 of the Local Development Plan 2016. The site is categorised as a 'District' site where there is a preference to retain employment uses. Development other than Classes

4-6 may be accepted on these sites in order to, where appropriate, allow a more mixed use area. The proposal must therefore be assessed against the four policy criteria.

Archaeology Officer: There are no known implications

Community Council: No reply

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2, PMD3, PMD5, ED1, HD3, EP1, EP8, IS7, IS8, IS9

SPG Waste Management 2015

Recommendation by - Carlos Clarke (Lead Planning Officer) on 17th September 2018

Site and proposal

This application seeks consent to use a vacant industrial building as a gymnasium. The proposal is to operate a 24hour facility. No external alterations or ground works are proposed.

The building is within a cluster of buildings forming the former Wheatlands Mill, and accessed from Wheatlands Road with arrangements which serve neighbouring properties, including a soft play centre and bedding supplier/retailer. To the south-west is a building occupied by the British Red Cross, to the north-west are industrial and warehousing uses and, to the north-east is the Gala Water

Principle

Policy ED1 presumes in favour of retaining space for employment (Classes 4-6). It applies different criteria to strategic, district and local sites. This is a district site, which applies four criteria. These are considered in turn.

a) The loss of business and industrial land does not prejudice the existing and predicted long term requirements for industrial and business land in the locality, and

The Economic Development Service do not object to the loss of the unit and, therefore, there appears to be no concern regarding the loss of its contribution to available employment land floorspace

b) The alternative land use is considered to offer significant benefits to the surrounding area and community that outweigh the need to retain the site in business and industrial use, and

Given criterion a) is satisfied, then the extent to which any potential benefit need override the loss of the unit from the portfolio of employment land floorspace is somewhat academic.

c) There is a constraint on the site whereby there is no reasonable prospect of its becoming marketable for business and industrial development in the future, or

There is no known constraint. The building appears suitable for Classes 4-6. However, this criterion is optional. Failing this criterion requires the alternative criterion (d) to be considered instead

d) The predominant land uses have changed owing to previous exceptions to policy such that a more mixed use land use pattern is now considered acceptable by the Council

The overall employment land allocation retains businesses within Classes 4-6. However, this cluster of buildings towards the south-easterly end includes the British Red Cross, a soft play centre and a bedding supplier/retailer. None have been as a result of policy exceptions by the Council directly. However, the soft play centre occupies a unit which was consented for a ceramic painting studio and soft play centre in 2008, partly because the previous occupier was understood to be a retailer. The manner in which the BRC occupy their unit is unclear, but I understand it is a training centre and, if that is the predominant activity, then that would place it in Class 10. A bedding supplier would be a Class 6 use, but if retail is the predominant activity

on site (combining both the extent to which it occupies the floor area, and contributes to business turnover), then the use would be a Class 1 retail use.

The specifics of the neighbouring uses would need more exploration, to identify precisely the lawfulness of the activities being undertaken. However, for the purposes of this application, it is clear that this cluster of buildings is not being occupied as a traditional grouping of employment uses, but has a significant element of direct public use, for recreational, training or retailing purposes. The Economic Development Service acknowledge this apparent transition from a traditional employment environment. A gym would comfortably relate to this cluster of uses by my estimation. Approving this proposal would, therefore, comply with Policy ED1 in my view because of its relationship to this particular cluster of uses, without setting any form of precedent for the wider allocation as a whole which extends significantly to the north-west. As a result, the proposal would also not conflict with Policy PMD3

Neighbouring businesses and residential amenity

The proposed use should not conflict directly with the operation of other businesses. It may generate noise from music, but a Class 5 use could operate from the premises and have significant noise implications, as well as other impacts. Residential properties are distant from the site (including a proposed mill conversion at Buckholm Mill) and the EHS is content to consider the risk of potential nuisance to be low.

Flooding

Our FPO advises that the property is at risk, but that he has no objections. The proposal comprises no change to the footprint of the building and the use would be the same vulnerability as Classes 4-6 according to SEPA's guidance. His recommendations can be covered in an informative note.

Parking

The building has an existing access and space for several vehicles. The RPS has noted that the number of spaces available does not meet parking standards but, given the site's location, they do not object. As noted below, restricting the use to that proposed would be appropriate, given the potentially different implications for parking from other uses in the same Use Class.

Services

The building has existing mains services

Waste

The proposal will use existing arrangements for waste storage and collection, and the building has adjacent yard space. Given the lawful use of the building would likely generate much greater levels of waste, I do not see a need to explore this further.

Visual impacts

No external alterations or ground works are proposed. A sign is proposed but this would be non-illuminated and, as it comprises basic information on the business (albeit with contact details), I would consider that it could potentially be exempt under the Advertisement Regulations. However, this application does not provide the remit to consider it in any case.

Ecology

The proposal will not affect the adjacent Special Area of Conservation since no building operations are proposed

Archaeology

The proposal should have no archaeological implications.

Contamination

An informative is recommended, as per the EHS.

Future uses

The use of a gym would fall within Class 11 which also includes uses such as a cinema or concert hall. While it is very unlikely these kinds of uses would operate from here, they could lawfully do so if this consent was granted, and these may potentially generate conflict, particularly as regards parking. It would be prudent, therefore, to restrict this use to a gym.

REASON FOR DECISION :

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

Recommendation: Approved - conditions & informatives

- 1 Notwithstanding the scope of Class 11 of the Use Classes (Scotland) Order 1997 (as amended), the lawful use of the premises shall be limited to a gymnasium (and its ancillary activities), and shall not be used for any other purpose under the same Class, without a planning application having first been submitted to and approved by the Planning Authority.
Reason: To ensure the use is compatible with neighbouring land uses and is acceptable in terms of parking provision and road and pedestrian safety

Informatives

It should be noted that:

- 1 The property is potentially at risk of flooding. As access and egress to the property may be affected by flood waters, it is recommended that the applicant/operator signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188, in order to receive SEPA flood warnings. It is also recommended that the applicant/operator develops an evacuation plan at times of flood risk. This can be activated when SEPA's flood warnings are received. If the applicant/operator requires additional information or advice on developing an evacuation plan, the Council's Flood and Coastal Management team can be contacted on FloodRiskEPlan@scotborders.gov.uk. A number of flood protection products such as floodgates and air-vent covers are also commercially available for the existing property and details of these can be found by calling Emergency Planning on 01835 825056 who are able to offer discounts for the products.
- 2 The site is potentially affected by contamination, as there is possible historic use of land as a woollen mill within its vicinity. This does not affect the merits of this planning application, given the type of use. However, it is a matter for the owner/operator to investigate further to meet any other requirements beyond that of this planning approval.

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