

22/00002/RRE - Change of Use from Industrial (Class 4, 5, 6) to a functional fitness gym (Class 11) at Unit B, Whinstone Mill, Netherdale Industrial Estate

Appellant's Response to SBC Comments Received 04 April 2022

5.8 Available Sites (Industrial)

Regarding Point 1, the appellants search comprised several site visits, internet search and calls with local agents. This covered a period of weeks, in the run up to the appeal submission and is considered a thorough assessment to satisfy the policy which requires the impact on both existing (i.e., current and by its nature subject to change), and long-term sites to be considered.

Regarding Points 3, 4 and 5, the Council rightly identify that several units would require investment, upgrade, or redevelopment. However, this should not preclude them from forming part of the long-term employment requirements that this policy requires, and so we maintain that these demonstrate availability of employment land and could accommodate the size of unit the Council require.

All units will likely require some upgrade to facilitate the specific requirements of a new occupier. The appellant knows this only too well, having already made a significant investment in Unit B, to upgrade from a tired and run-down workshop to the modern and specialised functional fitness and Olympic lifting facility they now run, which is unique to Galashiels. *Please refer to the before/after pictures of the unit submitted with the appeal.*

5.40 Available Sites (Town Centre)

Regarding Point 1, we reiterate the appellants search considered several sources of data, over a period proportionate to the appeal timescales. We note the Council have not provided any further evidence to the contrary (in response to 5.8 and 5.40), to support their own assertions. It therefore remains the appellants conclusion, that there are no properties on the market within the town centre that are suitable for the proposed gym.

In response to Point 2, the Council notes that employment uses are constrained to allocated sites. This is not the case as Policy ED2 allows for employment proposals elsewhere where they can meet the relevant criteria a) to c) of that policy. In much the same way, that a gym proposal in this case, must meet the relevant criteria of Policy ED1.

With reference to Points 3, 4 and 5 which all comment on the suitability of alternative premises, we acknowledge that some gyms may be appropriate in the town centre. However, the fitness market is hugely varied from yoga to dance classes, and in this case, Olympic lifting (weights) and gymnastics. One type of building, or indeed location certainly does not fit all.

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F E R G U S O N P L A N N I N G

The nature of the appellants business lends itself to a warehouse, which are typically found in industrial locations. The gym can be noisy because of the use of large weights and music associated with classes. The benefit of locating such a use within an industrial location, means that any noise would not have an impact on neighbouring residential and business units.

Regarding Point 6, the appellant would be willing to consider a condition that the LRB wished to put forward to limit use to their business. However, given the key issue is loss of an industrial unit, a condition that allowed for the unit to revert to industrial use once the gym ceases may also be considered. This condition has already been applied to one other gym, and a day centre in 2021, also located with designated industrial and business sites at Unit 8, Tweedbank (21/011097/FUL) and 3 Rowan Court, Calvary Park, Peebles (21/00486/FUL) respectively.

Regarding Point 7, the LRB are required to assess this appeal in line with the relevant criteria of Policy ED1 which, in this case, are:

- 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.
- b) The alternate 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,
- c) The predominant land uses have changed owing to previous exceptions to policy such that a more mixed-use land pattern is now considered acceptable by the Council.

Whilst the limitation on finding premises elsewhere is one significant factor, the appellant has also demonstrated they can meet all the above criteria too, and particularly criteria b).

We have listed five gyms in our appeal statement, that the Council has already permitted within designated industrial locations across the Borders, each on their own individual planning merits. One of these, TriFitness is also on Netherdale Industrial Estate. For that reason, we disagree entirely that allowing this appeal alone, would set any precedent. Arguably, this is already established, but all have met the relevant criteria of Policy ED1 in a way that is specific to the nature of their individual gyms.

As demonstrated by our assessment, the continued use of this modest industrial unit as a gym will not have a significant impact upon the supply of employment land, and therefore would not undermine the LDP. The appellant maintains that the proposals meet all the criteria of Policy ED1, and that there are significant material planning considerations that weigh in their favour, not least the significant health, community, and wellbeing benefits for the residents of Galashiels as demonstrated by the glowing testimonials and ever-growing membership.