

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 21/01182/FUL

**APPLICANT :** Live Borders

**AGENT :** Marsh And Riddell Ltd

**DEVELOPMENT :** Change of use from daycare nursery to gymnasium/aerobics studio

**LOCATION:** Unit 1B Gymnasium  
Netherdale Industrial Estate  
Galashiels  
Scottish Borders  
TD1 3EY

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
MRxx.xx/001	Location Plan	Approved
MRxx.xx/002	Proposed Plans	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Consultations

Roads Planning Service: Sought confirmation from the applicants as to what they deem the number of peak users would be for the facility. This would then determine the number of spaces the RPS would deem appropriate for a stand-alone facility such as this, and compare against what is available. A level of cycle parking will also be required.

Community Council: No reply

Flood Protection Officer: SEPA mapping indicates that the site is at risk from a flood event with a return period of 1 in 200 years. However, the SEPA flood maps do not take the Galashiels Flood Protection Scheme into account which protects the Netherdale area up to a 1:200 year fluvial flood event. Therefore, the FPO has no objection to the proposal on the ground of flood risk.

Contaminated Land Officer: Possible historic use of the land as a mill within the vicinity of the application. A full assessment and remediation may not be practical or proportionate. Recommends an informative note.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2, PMD3, PMD5, ED1, HD3, IS7, IS8, IS9, IS13

SPG Waste Management 2015

**Recommendation by** - Carlos Clarke (Lead Planning Officer) on 14th September 2021

This application seeks consent to convert a former nursery to a gym. The unit is within a building located in the Netherdale Industrial Estate, the remainder of which is occupied by a gym already (10/00039/FUL). The building was originally built as a play centre, café and nursery (03/00847/FUL), and later included a gym too (03/01155/FUL) before that part became used as part of the play centre (04/01390/FUL).

Principle

The site is within an allocated employment land site safeguarded by ED1. It is a district site and, therefore, there is a preference for retaining Classes 4-6, though other uses can be incorporated if meeting the criteria within the policy. However, this proposal would replace a children's nursery, itself forming part of the original play centre, café and nursery use for which the building was built under 03/00847/FUL. It was never in Classes 4-6, as the building replaced a retail use that had existed on the same site. The building itself previously incorporated a gym (03/01155/FUL) alongside the play centre and there is currently a gym in place (approved under 10/00039/FUL) that replaced the play centre and café, leaving only the nursery. Therefore, regardless of detailed criteria in ED1, this building was never in Classes 4-6, so replacing this nursery unit with a Class 11 gym use is not in conflict with the safeguarding objective of the policy. I would recommend a condition that ensures no other use within Class 11 can be operated since that could raise other planning issues (albeit, I accept previous consents for gyms did not do the same, that is not to say that repeating that would be prudent).

Land use conflict

Amplified music and speech within the gym is the most likely source of potential conflict, however, there are no residential properties nearby, and noise from a Class 5 use could be greater. However, music noise can also affect other businesses. In this case, I would note there is an existing gym in place alongside this proposal in the same building, and there was a previous consent for a gym before that. There have been no representations from other businesses suggesting previous/existing gyms have caused any conflict, or raised concerns that this proposal may do so.

Visual impact and amenity

No external alterations are proposed so there should be no visual or general amenity implications

Flood risk

As noted above, the site is protected by the flood protection scheme. In any case, the use is no more vulnerable than the existing nursery use

Services

It is understood existing services are in place

Waste

Waste is to be stored within the site. The level of waste generation is likely comparable with the lawful nursery use

Parking

The RPS asked for further information regarding parking requirements and, in response to a subsequent submission from the applicant, now confirm they are content. This implies the existing spaces and bike parking already existing will suffice for the proposed use. A condition can regulate the retention of the bike parking, though retaining the car parking is not necessary given it wouldn't be likely to be severed from the unit.

Contamination

An informative note is recommended as per the CLO's advice

**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 The approved use shall be limited to a gymnasium/aerobics studio, and there shall be no permitted change to any other use within Class 11 of the Use Classes (Scotland) Order 1997 (as amended) unless a planning application for the same has been submitted to and approved by the Planning Authority.  
Reason: The development has been considered specifically with respect to the merits of the gym against Policy ED1 of the Local Development Plan 2016 and no other uses within Class 11 have been assessed
- 2 The existing bicycle storage for four bikes shall be maintained and retained throughout the operation of the approved use  
Reason: To ensure reasonable provision of bicycle storage and to reduce the potential for car-borne traffic to and from the site

**Informatives**

It should be noted that:

- 1 The site is protected by the Galashiels Flood Protection Scheme from the Gala Water flooding. However, flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts
- 2 The former use of the site is potentially contaminative and may have resulted in land contamination. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to the Council's Environmental Health Service

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