

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 18/01756/FUL

**APPLICANT :** Mr Kelman Taylor

**AGENT :**

**DEVELOPMENT :** Change of use from storage to form gymnasium (retrospective)

**LOCATION:** Unit 5  
Elm Court  
Cavalry Park  
Peebles  
Scottish Borders  
EH45 9BU

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1 of 1	Location Plan	Approved

**NUMBER OF REPRESENTATIONS: 2**  
**SUMMARY OF REPRESENTATIONS:**

No material representations were received.

Consultation responses were received from: Flood Risk Officer - no objection; Roads - no objection; Environmental Health - No objection subject to conditions; Economic Development - no objection. Key issues assessed, amenity/service for local businesses and their employees; impact on neighbouring businesses.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016  
PMD3 - Land use allocations  
ED1 - Protection of business and industrial land

The site is not strategic, therefore the policies contained within SESplan have not been assessed.

**Recommendation by** - Ranald Dods (Planning Officer) on 18th February 2019

Site and proposal

The site is located in the south east corner of Cavalry Park, Peebles. That industrial area is designated as a strategic high amenity site. The unit is part of the terrace of single storey units at the eastern extremity of the industrial area.

The proposal is to grant retrospective permission for a gym within unit 5, Elm Court.

#### Principle

Cavalry Park is defined in policy ED1 as a Strategic High Amenity site. That designates the area as being for predominantly class 4 use. Although a gym falls within class 11, in this instance, the gym is taken to be a complementary use which enhances the quality of the business park as an employment location. As other activities fall within class 11, a condition is recommended restricting the use to only a gymnasium. It is also recommended that the unit reverts to its original use on cessation of the use as a gym.

#### Impact on the industrial area

The gym is the only example of this type of use in Cavalry Park. It is a small unit at the eastern end. There will not be a detriment to the allocation from this development.

#### Amenity

Environmental Health has suggested conditions relating to noise. The applicant has stated that there is no amplified music played within the unit and that users utilise headphones to listen to their own music. It also appears that there is no machinery, such as an air handling plant, proposed in this application which would give rise to noise. Whilst I accept that may be the case at present, if the business changes hands, a new gym operator may have a different approach. As such, I agree that it is important to restrict noise generation in order to avoid undue disturbance to neighbouring businesses.

#### Conclusion

Subject to compliance with the schedule of conditions, the development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling.

### **REASON FOR DECISION :**

Subject to compliance with the schedule of conditions, the development is acceptable, having principally had regard to the relevant provisions of the Local Development Plan 2016 but also having had regard to overriding material considerations in this case which are as set out in the Report of Handling.

### **Recommendation:** Approved subject to conditions

- 1 The premises shall be used only as a gymnasium and for no other purpose (including any other purpose in Class 11 of the Schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). On the cessation of the unit as a gymnasium, the use shall revert to Class 4 (business).  
Reason: To ensure that the use remains compatible within the site.
- 2 Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.  
Reason: To protect local businesses from noise associated with the use hereby approved.
- 3 All plant and equipment shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.  
Reason: To protect local businesses from noise associated with the use hereby approved.

- 4 No amplified speech or music shall be played on the premises unless a noise assessment has been undertaken by the applicant at their own expense and approved in writing by the planning authority.  
Reason: To protect local businesses from noise associated with the use hereby approved.

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